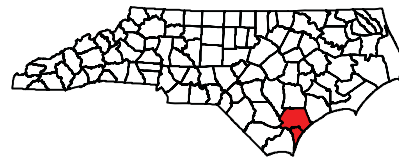
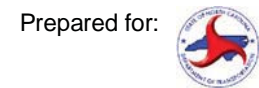


Prepared by: **MULKEY**



## DEIS Detailed Study Alternatives

### Hydrologic Units

US 17 Corridor Study  
NCDOT TIP Project Numbers U-4751 & R-3300  
New Hanover & Pender Counties, NC

0 3,500 7,000 14,000 Feet

Data Sources: NCDOT, NCDENR and Mulkey GIS  
Figure Prepared: 6/29/11



Figure No.

27







## **APPENDIX B**

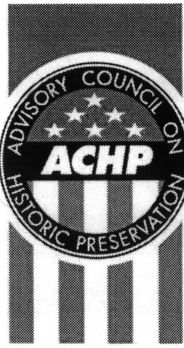
### **AGENCY CORRESPONDENCE**

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Preserving America's Heritage

February 5, 2014

Scott C. McLendon  
Chief, Regulatory Division  
Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403-1343

Ref: *Proposed Construction of the SR 1409 Extension and the US 17 Hampstead Bypass  
New Hanover and Pender Counties, North Carolina  
Project Numbers U-4751 & R-3300*

Dear Mr. McLendon:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the North Carolina State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Anthony Guy Lopez at 202-606-8525 or at [alopez@achp.gov](mailto:alopez@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)





United States  
Department of  
Agriculture

Natural  
Resources  
Conservation  
Service

4407 Bland Road,  
Suite 117  
Raleigh, NC 27609  
(919) 873-2171

mcortes@nc.nrcs.usda.gov



**Subject:** Farmland Conversion Impact Rating form NRCS-CPA-106

**Date:** August 26, 2010

**To:** Andy Belcher  
Planner/GIS Technician  
Mulkey Engineers & Consultant  
Cary, NC

**File Code:** 310-11-11

The following information is in response to your request asking for information on farmlands for the US 17 Corridor Study, which includes Military Cutoff Road Extension in New Hanover, and the Hampstead Bypass in New Hanover and Pender Counties.

Prime farmland does not include land already in or committed to urban development or water storage. Prime Farmland "already in" urban development includes all land that has been designated for commercial or industrial use or residential use that is not intended at the same time to protect farmland in a

1. Zoning code or ordinance adopted by the state or local unit of government or,
2. A comprehensive land use plan which has expressly been either adopted or reviewed in its entirety by the unit of local government in whose jurisdiction it is operative within 10 years preceding the implementation of the project.

According to the zoning maps provided, the area in New Hanover County meets the above criteria. NRCS-PA-106 forms have been completed. The area is exempt. No need to evaluate impact on farmland.

The area in Pender County was evaluated following the same procedure. Areas that are not exempt were evaluated. NRCS has completed Parts II, IV and V as required by the Farm Land Policy Act Register.

If you have any question please feel free to call me at (919) 873-2171.



Milton Cortés  
Assistant State Soil Scientist



**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

|   |  |                        |
|---|--|------------------------|
| <b>PART I (To be completed by Federal Agency)</b> | 3. Date of Land Evaluation Request <b>3/9/10</b> | 4. Sheet 1 of <b>1</b> |
|---|--|------------------------|

|  |   |
|--|---|
| 1. Name of Project <b>Military Cutoff Road Extension, U-4751</b> | 5. Federal Agency Involved<br><b>State Funded</b> |
| 2. Type of Project <b>Roadway extension on new location</b>      | 6. County and State <b>New Hanover County, NC</b> |

|  |   |   |   |
|--|---|---|---|
| <b>PART II (To be completed by NRCS)</b>   |   | 1. Date Request Received by NRCS                                    | 2. Person Completing Form<br><i>Milton Cortez NRCS ASST</i> |
| 3. Does the corridor contain prime, unique statewide or local important farmland?<br>(If no, the FPPA does not apply - Do not complete additional parts of this form). |   | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 4. Acres Irrigated   Average Farm Size                      |
| 5. Major Crop(s)   | 6. Farmable Land in Government Jurisdiction<br>Acres: % | 7. Amount of Farmland As Defined in FPPA<br>Acres: %                |   |
| 8. Name Of Land Evaluation System Used<br><i>New Hanover</i>   | 9. Name of Local Site Assessment System                 | 10. Date Land Evaluation Returned by NRCS<br><i>6/11/2010</i>       |   |

| <b>PART III (To be completed by Federal Agency)</b>               | <b>Alternative Corridor For Segment</b> |               |             |             |
|---|---|---------------|-------------|-------------|
|   | <b>M1</b>                               | <b>M2</b>     |             |             |
| A. Total Acres To Be Converted Directly                           | <b>118.62</b>                           | <b>119.75</b> |             |             |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services | <b>0</b>                                | <b>0</b>      |             |             |
| C. Total Acres In Corridor  | <b>118.62</b>                           | <b>119.75</b> | <b>0.00</b> | <b>0.00</b> |

| <b>PART IV (To be completed by NRCS) Land Evaluation Information</b>               |          |          |  |  |
|--|----------|----------|--|--|
| A. Total Acres Prime And Unique Farmland   | <i>0</i> | <i>0</i> |  |  |
| B. Total Acres Statewide And Local Important Farmland                              | <i>0</i> | <i>0</i> |  |  |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted            | <i>0</i> | <i>0</i> |  |  |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | <i>0</i> | <i>0</i> |  |  |

| <b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b> |  |  |  |  |
|--|--|--|--|--|
|--|--|--|--|--|

| <b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b> | <b>Maximum Points</b> |          |          |          |          |
|--|-----------------------|----------|----------|----------|----------|
| 1. Area in Nonurban Use  | 15                    |          |          |          |          |
| 2. Perimeter in Nonurban Use   | 10                    |          |          |          |          |
| 3. Percent Of Corridor Being Farmed  | 20                    |          |          |          |          |
| 4. Protection Provided By State And Local Government   | 20                    |          |          |          |          |
| 5. Size of Present Farm Unit Compared To Average   | 10                    |          |          |          |          |
| 6. Creation Of Nonfarmable Farmland  | 25                    |          |          |          |          |
| 7. Availability Of Farm Support Services   | 5                     |          |          |          |          |
| 8. On-Farm Investments   | 20                    |          |          |          |          |
| 9. Effects Of Conversion On Farm Support Services  | 25                    |          |          |          |          |
| 10. Compatibility With Existing Agricultural Use   | 10                    |          |          |          |          |
| <b>TOTAL CORRIDOR ASSESSMENT POINTS</b>  | <b>160</b>            | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

| <b>PART VII (To be completed by Federal Agency)</b>                       |            |          |          |          |          |
|---|------------|----------|----------|----------|----------|
| Relative Value Of Farmland (From Part V)                                  | 100        |          |          |          |          |
| Total Corridor Assessment (From Part VI above or a local site assessment) | 160        | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
| <b>TOTAL POINTS (Total of above 2 lines)</b>                              | <b>260</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|                       |   |                       |  |
|-----------------------|---|-----------------------|--|
| 1. Corridor Selected: | 2. Total Acres of Farmlands to be Converted by Project: | 3. Date Of Selection: | 4. Was A Local Site Assessment Used?<br><br>YES <input type="checkbox"/> NO <input type="checkbox"/> |
|-----------------------|---|-----------------------|--|

5. Reason For Selection:

|   |      |
|---|------|
| Signature of Person Completing this Part: | DATE |
|---|------|

NOTE: Complete a form for each segment with more than one Alternate Corridor



**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

|   |  |                        |
|---|--|------------------------|
| <b>PART I (To be completed by Federal Agency)</b> | 3. Date of Land Evaluation Request <b>3/9/10</b> | 4. Sheet 5 of <b>5</b> |
|---|--|------------------------|

|   |   |
|---|---|
| 1. Name of Project <b>Hampstead Bypass, R-3300</b>            | 5. Federal Agency Involved<br><b>State Funded</b> |
| 2. Type of Project <b>Bypass of Hampstead on new location</b> | 6. County and State <b>New Hanover County, NC</b> |

|  |   |   |   |
|--|---|---|---|
| <b>PART II (To be completed by NRCS)</b>   |   | 1. Date Request Received by NRCS                                    | 2. Person Completing Form<br><i>Milton Carter NRCS ASSS</i> |
| 3. Does the corridor contain prime, unique statewide or local important farmland?<br>(If no, the FPPA does not apply - Do not complete additional parts of this form). |   | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | 4. Acres Irrigated   Average Farm Size                      |
| 5. Major Crop(s)   | 6. Farmable Land in Government Jurisdiction<br>Acres: % | 7. Amount of Farmland As Defined in FPPA<br>Acres: %                |   |
| 8. Name Of Land Evaluation System Used<br><i>New Hanover</i>   | 9. Name of Local Site Assessment System                 | 10. Date Land Evaluation Returned by NRCS<br><i>6/11/2010</i>       |   |

| <b>PART III (To be completed by Federal Agency)</b>               | <b>Alternative Corridor For Segment</b> |               |               |               |
|---|---|---------------|---------------|---------------|
|   | <b>EH 3</b>                             | <b>O 3</b>    | <b>R 3</b>    | <b>U 3</b>    |
| A. Total Acres To Be Converted Directly                           | <b>261.07</b>                           | <b>274.65</b> | <b>245.86</b> | <b>185.60</b> |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services | <b>0</b>                                | <b>0</b>      | <b>0</b>      | <b>0</b>      |
| C. Total Acres In Corridor  | <b>261.07</b>                           | <b>274.65</b> | <b>245.86</b> | <b>185.60</b> |

| <b>PART IV (To be completed by NRCS) Land Evaluation Information</b>               |          |          |          |          |
|--|----------|----------|----------|----------|
| A. Total Acres Prime And Unique Farmland   | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| B. Total Acres Statewide And Local Important Farmland                              | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted            | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> |

| <b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b> |  |  |  |  |
|--|--|--|--|--|
|--|--|--|--|--|

| <b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b> |  | Maximum Points |          |          |          |
|--|--|----------------|----------|----------|----------|
| 1. Area in Nonurban Use  |  | 15             |          |          |          |
| 2. Perimeter in Nonurban Use   |  | 10             |          |          |          |
| 3. Percent Of Corridor Being Farmed  |  | 20             |          |          |          |
| 4. Protection Provided By State And Local Government   |  | 20             |          |          |          |
| 5. Size of Present Farm Unit Compared To Average   |  | 10             |          |          |          |
| 6. Creation Of Nonfarmable Farmland  |  | 25             |          |          |          |
| 7. Availability Of Farm Support Services   |  | 5              |          |          |          |
| 8. On-Farm Investments   |  | 20             |          |          |          |
| 9. Effects Of Conversion On Farm Support Services  |  | 25             |          |          |          |
| 10. Compatibility With Existing Agricultural Use   |  | 10             |          |          |          |
| <b>TOTAL CORRIDOR ASSESSMENT POINTS</b>  |  | <b>160</b>     | <b>0</b> | <b>0</b> | <b>0</b> |

| <b>PART VII (To be completed by Federal Agency)</b>                       |            |          |          |          |          |
|---|------------|----------|----------|----------|----------|
| Relative Value Of Farmland (From Part V)                                  | 100        |          |          |          |          |
| Total Corridor Assessment (From Part VI above or a local site assessment) | 160        | 0        | 0        | 0        | 0        |
| <b>TOTAL POINTS (Total of above 2 lines)</b>                              | <b>260</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|                       |   |                       |  |
|-----------------------|---|-----------------------|--|
| 1. Corridor Selected: | 2. Total Acres of Farmlands to be Converted by Project: | 3. Date Of Selection: | 4. Was A Local Site Assessment Used?<br>YES <input type="checkbox"/> NO <input type="checkbox"/> |
|-----------------------|---|-----------------------|--|

5. Reason For Selection:

|   |      |
|---|------|
| Signature of Person Completing this Part: | DATE |
|---|------|

NOTE: Complete a form for each segment with more than one Alternate Corridor



**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

|   |   |  |  |
|---|---|--|--|
| <b>PART I (To be completed by Federal Agency)</b>   |   | 3. Date of Land Evaluation Request<br><b>3/9/10</b>        | 4. Sheet 4 of <b>5</b>   |
| 1. Name of Project<br><b>Hampstead Bypass, R-3300</b>   |   | 5. Federal Agency Involved<br><b>State Funded</b>          |  |
| 2. Type of Project<br><b>Bypass of Hampstead on new location</b>  |   | 6. County and State<br><b>Pender County, NC</b>            |  |
| <b>PART II (To be completed by NRCS)</b>  |   | 1. Date Request Received by NRCS                           | 2. Person Completing Form<br><b>Milton Cortes (State Office)</b>               |
| 3. Does the corridor contain prime, unique statewide or local important farmland?<br>(If no, the FPPA does not apply - Do not complete additional parts of this form).<br>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |   | 4. Acres Irrigated   Average Farm Size<br><b>172 acres</b> |  |
| 5. Major Crop(s)<br><b>Corn</b>   | 6. Farmable Land in Government Jurisdiction<br>Acres: <b>427,884</b> % <b>76%</b> |  | 7. Amount of Farmland As Defined in FPPA<br>Acres: <b>348,304</b> % <b>62%</b> |
| 8. Name Of Land Evaluation System Used<br><b>Pender</b>   | 9. Name of Local Site Assessment System<br><b>N/A</b>                             |  | 10. Date Land Evaluation Returned by NRCS<br><b>6/11/2010</b>                  |

| <b>PART III (To be completed by Federal Agency)</b>               | <b>Alternative Corridor For Segment</b> |               |               |               |
|---|---|---------------|---------------|---------------|
|   | <b>EH 2</b>                             | <b>O 2</b>    | <b>R 2</b>    | <b>U 2</b>    |
| A. Total Acres To Be Converted Directly                           | <b>312.84</b>                           | <b>294.22</b> | <b>294.18</b> | <b>167.46</b> |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services | <b>0</b>                                | <b>0</b>      | <b>0</b>      | <b>0</b>      |
| C. Total Acres In Corridor  | <b>312.84</b>                           | <b>294.22</b> | <b>294.18</b> | <b>167.46</b> |

| <b>PART IV (To be completed by NRCS) Land Evaluation Information</b>               |               |               |               |               |
|--|---------------|---------------|---------------|---------------|
| A. Total Acres Prime And Unique Farmland   | <b>67.48</b>  | <b>58.10</b>  | <b>58.12</b>  | <b>49.88</b>  |
| B. Total Acres Statewide And Local Important Farmland                              | <b>72.36</b>  | <b>48.50</b>  | <b>48.48</b>  | <b>8.05</b>   |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted            | <b>0.0401</b> | <b>0.0306</b> | <b>0.0306</b> | <b>0.0166</b> |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | <b>61.9</b>   | <b>76.1</b>   | <b>76.1</b>   | <b>76.1</b>   |

| <b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b> | <b>32</b> | <b>26</b> | <b>26</b> | <b>32</b> |
|--|-----------|-----------|-----------|-----------|
|--|-----------|-----------|-----------|-----------|

| <b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b> |            | <b>Maximum Points</b> |             |             |             |  |
|--|------------|-----------------------|-------------|-------------|-------------|--|
| 1. Area in Nonurban Use  | 15         | <b>7</b>              | <b>7</b>    | <b>7</b>    | <b>4</b>    |  |
| 2. Perimeter in Nonurban Use   | 10         | <b>7</b>              | <b>8</b>    | <b>8</b>    | <b>3</b>    |  |
| 3. Percent Of Corridor Being Farmed  | 20         | <b>2</b>              | <b>2</b>    | <b>2</b>    | <b>1</b>    |  |
| 4. Protection Provided By State And Local Government   | 20         | <b>0</b>              | <b>0</b>    | <b>0</b>    | <b>0</b>    |  |
| 5. Size of Present Farm Unit Compared To Average   | 10         | <b>10</b>             | <b>10</b>   | <b>10</b>   | <b>10</b>   |  |
| 6. Creation Of Nonfarmable Farmland  | 25         | <b>25</b>             | <b>25</b>   | <b>25</b>   | <b>25</b>   |  |
| 7. Availability Of Farm Support Services   | 5          | <b>2</b>              | <b>2</b>    | <b>2</b>    | <b>2</b>    |  |
| 8. On-Farm Investments   | 20         | <b>4</b>              | <b>4</b>    | <b>4</b>    | <b>4</b>    |  |
| 9. Effects Of Conversion On Farm Support Services  | 25         | <b>25</b>             | <b>25</b>   | <b>25</b>   | <b>25</b>   |  |
| 10. Compatibility With Existing Agricultural Use   | 10         | <b>2</b>              | <b>1</b>    | <b>1</b>    | <b>0</b>    |  |
| <b>TOTAL CORRIDOR ASSESSMENT POINTS</b>  | <b>160</b> | <b>0 84</b>           | <b>0 84</b> | <b>0 84</b> | <b>0 74</b> |  |

| <b>PART VII (To be completed by Federal Agency)</b>                       |            |          |          |          |          |
|---|------------|----------|----------|----------|----------|
| Relative Value Of Farmland (From Part V)                                  | 100        |          |          |          |          |
| Total Corridor Assessment (From Part VI above or a local site assessment) | 160        | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |
| <b>TOTAL POINTS (Total of above 2 lines)</b>                              | <b>260</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|                          |   |                       |  |
|--------------------------|---|-----------------------|--|
| 1. Corridor Selected:    | 2. Total Acres of Farmlands to be Converted by Project: | 3. Date Of Selection: | 4. Was A Local Site Assessment Used?<br>YES <input type="checkbox"/> NO <input type="checkbox"/> |
| 5. Reason For Selection: |   |                       |  |

Signature of Person Completing this Part: \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: Complete a form for each segment with more than one Alternate Corridor



United States Department of Agriculture  
Natural Resources Conservation Service  
4407 Bland Road, Suite 117  
Raleigh, North Carolina 27609

Milton Cortés, Assistant State Soil Scientist  
Telephone No.: (919) 873-2171  
Fax No.: (919) 873-2157  
E-mail: milton.cortes@nc.usda.gov

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March 25, 2014

Kat Bukowy  
Planner  
Mulkey Engineers & Consultants  
6750 Tryon Road  
Cary, North Carolina 27518

Ms. Bukowy;

The following information is in response to your review request in the US 17 Hampstead Bypass project (TIP U-4751 and R-3300) projects.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question meets one or more of the above criteria for Farmland. Farmland area will be affected or converted. Enclosed is the Farmland Conversion Impact Rating form AD1006 with PARTS II, IV and V completed by NRCS. The corresponding agency will need to complete the evaluation, according to the Code of Federal Regulation 7CFR 658, Farmland Protection Policy Act.

If you have any questions, please contact me at number above.

Sincerely,

*Milton Cortes*

Milton Cortes  
Assistant State Soil Scientist

*Helping People Help the Land*

An Equal Opportunity Provider and Employer





## **Projects and Activities Subject to FPPA**

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

### **Assistance from a Federal agency includes:**

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

### **Activities that may be subject to FPPA include:**

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

### **Activities not subject to FPPA include:**

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.

FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

|  |  |   |   |
|--|--|---|---|
| <b>PART I (To be completed by Federal Agency)</b>  |  | 3. Date of Land Evaluation Request<br><b>3/25/14</b>                                | 4. Sheet 1 of <b>1</b>                            |
| 1. Name of Project <b>US 17 Hampstead Bypass</b>   |  | 5. Federal Agency Involved <b>State Funded/USACE permitting</b>                     |   |
| 2. Type of Project <b>Corridor Project on New Location</b>   |  | 6. County and State <b>New Hanover, NC</b>  |   |
| <b>PART II (To be completed by NRCS)</b>   |  | 1. Date Request Received by NRCS<br><b>3/25/14</b>                                  | 2. Person Completing Form<br><b>Milton Cortes</b> |
| 3. Does the corridor contain prime, unique statewide or local important farmland?<br>(If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  | 4. Acres Irrigated <b>none</b>  | Average Farm Size <b>60</b>                       |
| 5. Major Crop(s)<br><b>Corn</b>  | 6. Farmable Land in Government Jurisdiction<br>Acres: <b>73,341 acres</b> % <b>52%</b> | 7. Amount of Farmland As Defined in FPPA<br>Acres: <b>73,341 acres</b> % <b>52%</b> |   |
| 8. Name Of Land Evaluation System Used<br><b>New Hanover Co. LESA</b>  | 9. Name of Local Site Assessment System<br><b>N/A</b>                                  | 10. Date Land Evaluation Returned by NRCS<br><b>3/25/14</b>                         |   |

|  |   |   |  |                   |                   |
|--|---|---|--|-------------------|-------------------|
| <b>PART III (To be completed by Federal Agency)</b>  |   | <b>Alternative Corridor For Segment</b> |  |                   |                   |
|  |   | <b>Corridor A</b>                       | <b>Corridor B</b>  | <b>Corridor C</b> | <b>Corridor D</b> |
| A. Total Acres To Be Converted Directly  |   | <b>262.463</b>                          |  |                   |                   |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services  |   |   |  |                   |                   |
| C. Total Acres In Corridor   |   | <b>262.463</b>                          |  |                   |                   |
| <b>PART IV (To be completed by NRCS) Land Evaluation Information</b>   |   |   |  |                   |                   |
| A. Total Acres Prime And Unique Farmland   |   | <b>243.14</b>                           |  |                   |                   |
| B. Total Acres Statewide And Local Important Farmland  |   | <b>19.32</b>                            |  |                   |                   |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted  |   | <b>0.3579</b>                           |  |                   |                   |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value   |   | <b>42</b>                               |  |                   |                   |
| <b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b> |   | <b>26</b>                               |  |                   |                   |
| <b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>                               |   | <b>Maximum Points</b>                   |  |                   |                   |
| 1. Area in Nonurban Use  | <b>15</b>   | <b>14</b>                               |  |                   |                   |
| 2. Perimeter in Nonurban Use   | <b>10</b>   | <b>10</b>                               |  |                   |                   |
| 3. Percent Of Corridor Being Farmed  | <b>20</b>   | <b>8</b>                                |  |                   |                   |
| 4. Protection Provided By State And Local Government   | <b>20</b>   | <b>0</b>                                |  |                   |                   |
| 5. Size of Present Farm Unit Compared To Average   | <b>10</b>   | <b>10</b>                               |  |                   |                   |
| 6. Creation Of Nonfarmable Farmland  | <b>25</b>   | <b>0</b>                                |  |                   |                   |
| 7. Availability Of Farm Support Services   | <b>5</b>  | <b>5</b>                                |  |                   |                   |
| 8. On-Farm Investments   | <b>20</b>   | <b>4</b>                                |  |                   |                   |
| 9. Effects Of Conversion On Farm Support Services  | <b>25</b>   | <b>0</b>                                |  |                   |                   |
| 10. Compatibility With Existing Agricultural Use   | <b>10</b>   | <b>2</b>                                |  |                   |                   |
| <b>TOTAL CORRIDOR ASSESSMENT POINTS</b>  |   | <b>160</b>                              | <b>53</b>  | <b>0</b>          | <b>0</b>          |
| <b>PART VII (To be completed by Federal Agency)</b>  |   |   |  |                   |                   |
| Relative Value Of Farmland (From Part V)   |   | <b>100</b>                              | <b>26</b>  | <b>0</b>          | <b>0</b>          |
| Total Corridor Assessment (From Part VI above or a local site assessment)  |   | <b>160</b>                              | <b>53</b>  | <b>0</b>          | <b>0</b>          |
| <b>TOTAL POINTS (Total of above 2 lines)</b>   |   | <b>260</b>                              | <b>79</b>  | <b>0</b>          | <b>0</b>          |
| 1. Corridor Selected:  | 2. Total Acres of Farmlands to be Converted by Project: | 3. Date Of Selection:                   | 4. Was A Local Site Assessment Used?<br>YES <input type="checkbox"/> NO <input type="checkbox"/> |                   |                   |
| 5. Reason For Selection:   |   |   |  |                   |                   |

Signature of Person Completing this Part:

DATE

NOTE: Complete a form for each segment with more than one Alternate Corridor

Clear Form

FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

|  |   |  |   |
|--|---|--|---|
| <b>PART I (To be completed by Federal Agency)</b>  |   | 3. Date of Land Evaluation Request<br><b>3/25/14</b>               | 4. Sheet 1 of <b>1</b>  |
| 1. Name of Project <b>US 17 Hampstead Bypass</b>   |   | 5. Federal Agency Involved <b>State Funded/USACE permitting</b>    |   |
| 2. Type of Project <b>Corridor Project on New Location</b>   |   | 6. County and State <b>Pender, NC</b>                              |   |
| <b>PART II (To be completed by NRCS)</b>   |   | 1. Date Request Received by NRCS<br><b>3/25/14</b>                 | 2. Person Completing Form<br><b>Milton Cortes</b>                             |
| 3. Does the corridor contain prime, unique statewide or local important farmland?<br>(If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |   | 4. Acres Irrigated   Average Farm Size<br><b>none</b>   <b>172</b> |   |
| 5. Major Crop(s)<br><b>Corn</b>  | 6. Farmable Land in Government Jurisdiction<br>Acres: <b>427,884</b> % <b>76%</b> |  | 7. Amount of Farmland As Defined in FPPA<br>Acres: <b>348,304</b> % <b>62</b> |
| 8. Name Of Land Evaluation System Used<br><b>Pender Co LESA</b>  | 9. Name of Local Site Assessment System<br><b>N/A</b>                             |  | 10. Date Land Evaluation Returned by NRCS<br><b>3/25/14</b>                   |

|   |   |                   |                   |                   |
|---|---|-------------------|-------------------|-------------------|
| <b>PART III (To be completed by Federal Agency)</b>               | <b>Alternative Corridor For Segment</b> |                   |                   |                   |
|   | <b>Corridor A</b>                       | <b>Corridor B</b> | <b>Corridor C</b> | <b>Corridor D</b> |
| A. Total Acres To Be Converted Directly                           | <b>415.931</b>                          |                   |                   |                   |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services |   |                   |                   |                   |
| C. Total Acres In Corridor  | <b>415.931</b>                          |                   |                   |                   |

|  |               |  |  |  |
|--|---------------|--|--|--|
| <b>PART IV (To be completed by NRCS) Land Evaluation Information</b>               |               |  |  |  |
| A. Total Acres Prime And Unique Farmland   | <b>241.29</b> |  |  |  |
| B. Total Acres Statewide And Local Important Farmland                              | <b>174.64</b> |  |  |  |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted            | <b>0.1194</b> |  |  |  |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | <b>62</b>     |  |  |  |

|  |           |  |  |  |
|--|-----------|--|--|--|
| <b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b> | <b>45</b> |  |  |  |
|--|-----------|--|--|--|

|  |                       |           |          |          |          |
|--|-----------------------|-----------|----------|----------|----------|
| <b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b> | <b>Maximum Points</b> |           |          |          |          |
| 1. Area in Nonurban Use  | 15                    | <b>9</b>  |          |          |          |
| 2. Perimeter in Nonurban Use   | 10                    | <b>8</b>  |          |          |          |
| 3. Percent Of Corridor Being Farmed  | 20                    | <b>10</b> |          |          |          |
| 4. Protection Provided By State And Local Government   | 20                    | <b>0</b>  |          |          |          |
| 5. Size of Present Farm Unit Compared To Average   | 10                    | <b>10</b> |          |          |          |
| 6. Creation Of Nonfarmable Farmland  | 25                    | <b>10</b> |          |          |          |
| 7. Availability Of Farm Support Services   | 5                     | <b>2</b>  |          |          |          |
| 8. On-Farm Investments   | 20                    | <b>4</b>  |          |          |          |
| 9. Effects Of Conversion On Farm Support Services  | 25                    | <b>0</b>  |          |          |          |
| 10. Compatibility With Existing Agricultural Use   | 10                    | <b>2</b>  |          |          |          |
| <b>TOTAL CORRIDOR ASSESSMENT POINTS</b>  | <b>160</b>            | <b>55</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|   |            |            |          |          |          |
|---|------------|------------|----------|----------|----------|
| <b>PART VII (To be completed by Federal Agency)</b>                       |            |            |          |          |          |
| Relative Value Of Farmland (From Part V)                                  | 100        | <b>45</b>  | <b>0</b> | <b>0</b> | <b>0</b> |
| Total Corridor Assessment (From Part VI above or a local site assessment) | 160        | <b>55</b>  | <b>0</b> | <b>0</b> | <b>0</b> |
| <b>TOTAL POINTS (Total of above 2 lines)</b>                              | <b>260</b> | <b>100</b> | <b>0</b> | <b>0</b> | <b>0</b> |

|                       |   |                       |  |
|-----------------------|---|-----------------------|--|
| 1. Corridor Selected: | 2. Total Acres of Farmlands to be Converted by Project: | 3. Date Of Selection: | 4. Was A Local Site Assessment Used?<br>YES <input type="checkbox"/> NO <input type="checkbox"/> |
|-----------------------|---|-----------------------|--|

5. Reason For Selection:

Signature of Person Completing this Part: \_\_\_\_\_ DATE \_\_\_\_\_

NOTE: Complete a form for each segment with more than one Alternate Corridor

Clear Form





IN REPLY REFER TO

**DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

P. O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

December 3, 2007

**RECEIVED**  
Division of Highways

DEC 10 2007

Preconstruction  
Project Development and  
Environmental Analysis Branch

Regulatory Division

**SUBJECT: Action ID 2007 01386, North Carolina Department of Transportation Projects U-4751 and R-3300, Military Cutoff Road Extension, and Hampstead Bypass**

Mr. Matt Wilkerson  
Archeology Group Supervisor  
North Carolina Department of Transportation  
Human Environment Unit  
1583 Mail Service Center  
Raleigh, North Carolina 27699-1583

Dear Mr. Wilkerson:

Reference is made to your letter dated November 16, 2007, in which you requested that we define the undertaking and establish the Area(s) of Potential Effects (APE) or permit area for both historic structures and archaeology for the construction of the Hampstead Bypass as well as the Military Cutoff Road extension, Wilmington, New Hanover and Pender Counties, North Carolina. These projects are currently being reviewed pursuant to the NEPA/404 Merger process and on which NCDOT and the State Historic Preservation office are participating members.

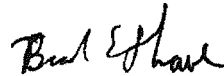
Since the project does not utilize federal funds, the Corps of Engineers will serve as the lead Federal agency with respect to compliance with Section 106 of the National Historic Preservation Act. Based on the information we have available to us at this time, a section 404 permit will be required for construction of the project as it appears that it will require the discharge of fill material into waters of the United States in any of the corridors currently under consideration. However, as this project has only progressed to Concurrence Point 2 and delineations of waters and wetlands have not been conducted on a selected alternative, we are unable to provide specific information regarding the extent of the permit area or define the undertaking pursuant to Appendix C of our regulations.

We have conducted a preliminary review of the latest published version of the National Register of Historic Places and have reviewed the information that was provided in the memo dated October 4, 2005 from Mr. Peter Sandbeck to Mr. Greg Thorpe and have no additional information to provide at this time. As this project moves through the NEPA/404 process and a preferred corridor is selected, we will be able to more accurately define the permit area(s) as requested. Of course, we also would expect that as a member of the NEPA/404 Merger Team

that yours as well as SHPO's input into the evaluation of corridors will allow NCDOT to fully consider any impacts to historic/archeological properties prior to selection of a LEDPA and by copy of this letter are requesting that SHPO provide any additional information concerning such resources they may have to your office.

If additional surveys/studies are warranted as a result of the Merger Process, it is our intention to further coordinate with your office in order to fulfill our obligations in the Section 106 process. If you have further questions, please contact me at (910) 251-4611.

Sincerely,



Brad Shaver, Project Manager  
Wilmington Regulatory Field Office

Copy Furnished (w/out enclosure)

Renee Gledhill-Earley  
Environmental Review Coordinator  
Administration Branch  
North Carolina Historic Preservation Office  
4617 Mail Service Center  
Raleigh NC 27699-4617



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

June 2, 2010

Regulatory Division

Action ID No. 2007 1386

Mr. Jay McInnis  
NCDOT, PDEA  
1598 Mail Service Center  
Raleigh, NC 27699-1598

Dear Mr. McInnis:

Reference is made to Transportation Improvement Project U-4751 and R-3300, also referred to as the Hampstead Bypass, which originates near the current terminus of Military Cutoff Road at US Highway 17, extending to the north of Hampstead as a bypass, north and west of the of the existing Highway 17 corridor, New Hanover and Pender Counties, North Carolina.

Based on coordination within the Merger process and jurisdictional efforts to date it is clear that any proposed improvements along the study corridor will likely impact multiple stream systems, most notably Harrisons Creek, Godfrey Creek, and Island Creek, and their numerous tributaries. These resource areas provide a number of benefits to receiving water including the attenuation and de-synchronization of flood events, improvements to water quality in downstream receiving waters, and the uptake and transformation of many biologically active compounds. These areas also provide valuable wildlife habitat for a variety of birds, mammals, amphibians, and reptiles. In addition, a number of the aforementioned Creeks may provide suitable spawning and foraging habitat for threatened and endangered species. You should be aware that we consider these wetlands and tributaries to be of high quality and therefore believe that all efforts should be undertaken to avoid and minimize impacts. These efforts should include when practicable, bridging to avoid wetland, stream and/or flood plain impacts, utilizing off-site detours, employing temporary work bridges during project construction, and the removal of any approach fills not necessary for this project.

As there is no Federal Highway Administration (FHWA) funding for this project and it will require a permit from the Wilmington District, U.S. Army Corps of Engineers (Corps) under authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, the Corps will be the lead federal agency for ensuring compliance with National Environmental Policy Act (NEPA). Although FHWA will not be involved, we believe that this project should continue to be carried forward through the Merger Process in accordance with the 2005 Merger



agreement. In addition, we suggest that you review Appendix B of the Corps of Engineers regulations (found at 33 C.F.R. § 325, Appendix B) regarding NEPA compliance and Section 404 of the Clean Water Act to assist in your NEPA planning efforts.

Based on our initial evaluation of the project, we believe that this project will require an Environmental Impact Statement (EIS). Although we will not require that a third party contract be executed for the preparation of this document, we want to stress that it is our intent that this document will become the Corps of Engineers' NEPA document for this project. To this end, we will need to ensure that the contractor preparing the EIS does not have any financial interest in the outcome of the NEPA or 404 permit process. I have enclosed a disclosure statement that must be signed by the lead contractor developing the document and returned to us for our files. In addition, we will need to be invited to any public scoping meetings and/or public hearings you may hold concerning this project, and may need to hold hearings or scoping meetings of our own. In accordance with the Council on Environmental Quality (CEQ) requirements, we have published a Notice of Intent (NOI) to prepare an EIS in the Federal Register and will be responsible for distribution of the draft and final EIS to EPA and the public for review and comment. Finally, it is our intention to prepare our own Record of Decision (ROD) for the project once the EIS has been finalized. As the Corps will be the lead federal agency on the project, and holds ultimate responsibility for the content of the EIS, it will be incumbent upon NCDOT to provide advance copies of the EIS to the Corps for review and approval prior to NC DOT's circulation of the document to any other agency or to the public.


Department of the Army (DA) permit authorization, pursuant to Section 404 of the Clean Water Act of 1977, as amended, will be required for the discharge of excavated or fill material in waters of the United States including streams and wetlands in conjunction with this project, including disposal of construction debris. Under our mitigation policy, impacts to wetlands should first be avoided and minimized. We will then consider compensatory mitigation for unavoidable impacts. When final plans are completed, including the extent and location of any work in wetlands, our regulatory branch would appreciate the opportunity to review these plans for project-specific determinations of DA permit requirements.

During the alternatives analysis phase, the Corps, as lead Federal agency, would recommend that all investigations for Historic Properties, Essential Fish Habitat and Threatened and Endangered species be conducted in accordance with survey level investigations as conducted now on any Federal aid project. In order to ensure that our requirements pursuant to Section 106 of the Historic Preservation Act, the Magnuson-Stevens Fishery Management and Conservation Act, and Section 7 of the Endangered Species Act are met, we must be invited to any coordination and/or consultation meetings with the State Historic Preservation Office (SHPO), National Marine Fisheries Service (NMFS), and/or the US Fish and Wildlife Service. Once the Corps effect(s) determinations have been made, we expect that NC DOT will prepare appropriate documentation (eg, Biological Assessments, Surveys for historic/archeological features, EFH documentation) and forward to the Corps for review prior to transmittal to the appropriate agency.

Environmental Justice (EJ) issues (if any) will need to be clearly identified and adequately addressed in the NEPA document. Depending on the level and severity of impacts, additional public involvement and outreach may be necessary in order to fully satisfy our requirements under the EJ Executive Order.

If you have any question as the project moves forward, please do not hesitate to contact Brad Shaver, Div 3-DOT Project Manager in the Wilmington Regulatory Field Office at 910-251-4611.

Sincerely,

*for*   
 Scott McLendon  
 Acting Chief, Regulatory Division

Enclosure

Copies furnished (without enclosure):

NCDOT, Division Three  
 Attn: Mason Herndon  
 124 Division Drive  
 Wilmington, NC 28401

Mr. Pete Benjamin  
 U.S. Fish and Wildlife Service  
 Fish and Wildlife Enhancement  
 Post Office Box 33726  
 Raleigh, North Carolina 27636-3726

Mr. Chris Militscher  
 United States Environmental Protection Agency  
 Office of Environment Assessment  
 310 New Bern Avenue, Room 206  
 Raleigh, North Carolina 27601

Mr. Travis Wilson  
 North Carolina Wildlife Resources Commission  
 1142 I-85 Service Road  
 Creedmoor, North Carolina 27522

Mr. Steve Sollod  
North Carolina Division of Coastal Management  
2728 Capital Blvd.  
Raleigh, North Carolina 27604

Mr. Ron Sechler,  
NOAA National Marine Fisheries Service  
Pivers Island  
Beaufort, North Carolina 28516

David Wainwright, North Carolina Division of Water Quality  
North Carolina Department of Environment and Natural Resources  
1650 Mail Service Center  
Raleigh, North Carolina 27699-1650



**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action Id. 2007 1386

County: New Hanover/Pender

U.S.G.S. Quad: Multiple Quads

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Applicant: NCDOT – PDEA  
Address: attn: Amy James  
1598 Mail Service Center  
Raleigh, NC 27699-1598

Agent: Mulkey Engineers and Consultants  
attn: Mark Mickley  
6750 Tryon Road  
Cary, NC 27518

Property description:

Size (miles) approximately 13  
Nearest Waterway Multiple tributaries  
USGS HUC 03030007

Nearest Town Hampstead  
River Basin Cape Fear  
Coordinates N 34.3500 W 77.7622

Location description The projected corridor originates just north of Wilmington near Military Cutoff Road, New Hanover County and terminates just north of Hampstead adjacent to Holly Shelter game lands, Pender County.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

- ☒ Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process ( Reference 33 CFR Part 331).

**B. Approved Determination**

- ☐ There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ There are wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.
- ☐ The wetland on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- ☐ The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on \_\_\_\_\_. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Washington, NC, at (252) 946-6481 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Brad Shaver** at **910-251-4611**.

### **C. Basis For Determination**

**The subject features had both an ordinary high water mark and characteristics described in the 1987 Corps Delineation Manual.**

### **D. Remarks**

**The site was reviewed with Mulkey Engineers and Consultants from April 2008 to April 2010. This preliminary determination is based on the delineation package submitted by Mulkey dated June 2010. The CD information which represents the preliminary JD is covered by Figures 3-1 through 3-23 and covers over 500 aquatic resources.**

Corps Regulatory Official: Brad Shaver

Date **8/30/2010**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the attached customer Satisfaction Survey or visit <http://www.saw.usace.army.mil/WETLANDS/index.html> to complete the survey online.

Copy furnished:

NCDENR-DWQ attn: Mr. David Wainwright 1650 Mail Service Center Raleigh, NC 27699-1650

NCDENR-DWQ attn: Mason Herndon 225 Green Street, Suite 714 Fayetteville, NC 28301-5043

NC DOT Division 3 attn: Anneliese Westphal 124 Division Drive Wilmington NC 28401



**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): *August 30, 2010*

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

*Amy E. James  
NCDOT Natural Environment Unit  
1598 Mail Service Center  
Raleigh, NC 27699-1598*

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: *Wilmington Field office,  
Hampstead Bypass (N-4751), 2007 1386*  
D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE  
WATERBODIES AT DIFFERENT SITES)

State: *NC* County/parish/borough: *New Hanover/Pender* City: *Hampstead*

Center coordinates of site (lat/long in degree decimal format):

Lat. *34.350017*; Long. *-77.762207*; Universal Transverse Mercator:

Name of nearest waterbody: *Island Creek/Godfrey Creek/Harrison Creek*

Identify (estimate) amount of waters in the review area:

Non-wetland waters: *(Stream) 147,172.9 linear feet: (Pond) 33.0 acres.*

Cowardin Class: *see waters upload table*

Stream Flow:

Wetlands: *2,858 acres.*

Cowardin Class: *see waters upload table*

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: *N/A* Non-Tidal: *N/A*

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): *multiple dates April 2008 through April 2010*

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name:

☐ USDA Natural Resources Conservation Service Soil Survey. Citation:

☐ National wetlands inventory map(s). Cite name:

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date):

or ☐ Other (Name & Date):

☐ Previous determination(s). File no. and date of response letter:

☒ Other information (please specify): *Lidar*

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

*Bud Shank* 8-30-10

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

*Amey Nam* 5/24/10

Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

December 21, 2012

Regulatory Division

Action ID No. SAW 2007-01386

Mr. Colin Mellor  
North Carolina Department of Transportation  
Natural Environment Section  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

Dear Mr. Mellor:

This letter confirms the initial field review of possible mitigation sites for the future Military Cut-off extension and Hampstead Bypass Project, TIP# R-3300, U-4751, spanning New Hanover and Pender Counties. Three properties were visited with members of the Merger Team as well as other Wilmington Corps Field Office staff on October 31, 2012. The three sites included; a partially developed tract at the corner of Gordon Road and Military Cutoff Rd., an approximate 30 acre block of undeveloped land in Greenview Ranches, and finally an over 400 acre tract of land located off Sidbury Road currently owned by Ms. Agnes Beane.

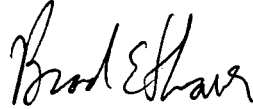
The meeting was requested by the NCDOT to explore the potential each site had as mitigation for future projects in the area. The undeveloped tract at the corner of Gordon and Military Cutoff has less potential due to drainage issues associated with downstream developments as compared to the other sites. It was agreed that Greenview Ranches and Sidbury had potential as future mitigation sites but the field visits served only as preliminary discussions not as an endorsement of these sites. If the Department decides to move forward with these sites it was discussed that initial hydrologic monitoring would be beneficial in plan development.

Please be reminded that the Corps operates under guidance in the form of the mitigation rule (CFR Title 33, Part 332) which speaks to the preferred method of compensatory mitigation. Permittee responsible mitigation is not preferred to approved mitigation banks or in lieu fee programs, therefore it would be premature to endorse mitigation contrary to the mitigation rule at this time. Again any decision regarding an approved mitigation plan would come at the time of permit processing.



If you have any questions, please do not hesitate to contact me at the Wilmington Regulatory Field Office, telephone (910) 251-4611.

Sincerely,



Brad Shaver, Project Manager  
Wilmington Regulatory Division

Copies Furnished:

Mr. Travis Wilson  
North Carolina Wildlife Resource Comm.  
1718 Hwy. 56 West  
Creedmoor, North Carolina 27522



Mr. Jay McInnis, PE  
PDEA, Eastern  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Mr. Gary Jordan  
United States Fish and Wildlife Service  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

Mr. Mason Herndon  
North Carolina Division of Water Quality  
225 Green Street, Suite 714  
Fayetteville, North Carolina 28301-5043

Mr. Steve Sollod  
Division of Coastal Management  
North Carolina Department of  
Environment and Natural Resources  
1638 Mail Service Center  
Raleigh, North Carolina 27699-1638



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

June 19, 2013

Regulatory Division

Action ID No. SAW-2007- 1386

Mr. Jay McInnis  
NCDOT, PDEA  
1548 Mail Service Center  
Raleigh, NC 27699-1548

Dear Mr. McInnis:

Please reference transportation improvement project U-4751 and R-3300, also referred to as the Hampstead Bypass, which originates near the current terminus of Military Cutoff Road into Highway 17 and will extend to the north of Hampstead as a bypass along Highway 17. This proposed project would cross County lines from New Hanover into Pender County, North Carolina.

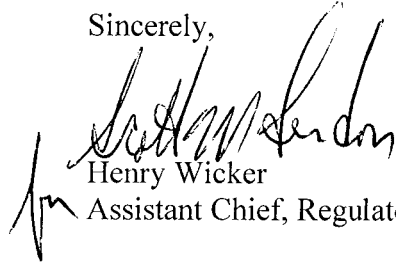
As you are aware during your scoping process for the Draft Environmental Impact Statement (DEIS) the citizens of Hampstead had traffic concerns with the preferred alternative. In order to address their concerns, the North Carolina Department of Transportation (NCDOT) proposed to construct a second interchange designed on the northern end of the project as well as two additional lanes between the proposed interchanges. These additional changes have not been presented to the public through the National Environmental Protection Act (NEPA) scoping process and the question has been raised as to whether or not the NCDOT would need to provide a supplemental DEIS to the Corps for circulation of the aforementioned project. It is the Corps' opinion, based on Sec. 1502.9 of Council of Environmental Quality Regulations for Implementing NEPA, that changes which have occurred since release of the DEIS are substantial and need to be further described in a supplemental DEIS. This supplemental effort would then be re-circulated through the Federal Register as well as a public notice soliciting comment.

This supplemental effort should clearly describe the changes that have occurred subsequent to the release of the DEIS and provide the history and rationale for such changes. This supplemental DEIS will not serve to revisit the concurrence point determination of Least Environmentally Damaging and Practicable Alternative (LEDPA) in accordance with the Merger Process. The decision to process a supplement provides the affected public and federal and state agencies an opportunity to comment on the revised project and these comments will then be addressed in the Final Environmental Impact Statement (FEIS).

Following this correspondence the Corps will forward a Notice of Intent (NOI) to the Federal Register for publication. In order to provide an accurate NOI, please provide the Corps an idea as to when the supplemental document may be forwarded for comment. This will provide the Corps a sense of timing to place on the NOI alerting interested parties of a projected release date.

In closing, this decision was not taken lightly. However, the Corps believes this decision best follows the procedures and intent of NEPA. If you have any questions regarding this decision or desire to discuss further, please don't hesitate to call me at (910) 251-4930 or Brad Shaver at (910)251-4611.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Wicker", is written over the typed name.

Henry Wicker

Assistant Chief, Regulatory Division

Copy Furnished:

Mason Herndon  
North Carolina Department of Environment  
and Natural Resources  
Division of Water Quality  
Fayetteville Regional Office  
225 Green Street, Suite 714  
Fayetteville, NC 28301



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

January 6, 2014

Regulatory Division

Action ID No: SAW-2007-01386

John T. Eddins, Ph.D.  
Advisory Council on Historic Preservation  
Office of Federal Agency Programs  
Federal Permitting, Licensing, and Assistance Section  
1100 Pennsylvania Avenue, NW  
Suite 803  
Washington, D.C., 20004

Dear Dr. Eddins:

The North Carolina Department of Transportation (NCDOT) proposes to construct the SR 1409 (Military Cutoff Road) Extension and US 17 Hampstead Bypass in New Hanover and Pender Counties under State Transportation Improvement Program Project Numbers U-4751 & R-3300. For clarity, U-4751 and R-3300 are being reviewed as a single action and therefore will be referred to as the "project" in this correspondence and in the enclosed documentation. The project is subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implemented by the Advisory Council on Historic Preservation's regulations for compliance codified as 36 CFR Part 800. The Federal Highway Administration is not funding this project; as such, and because implementation of this project will require authorization under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE), Wilmington District is serving as the lead Federal agency with respect to ensuring compliance with Section 106 of the NHPA.

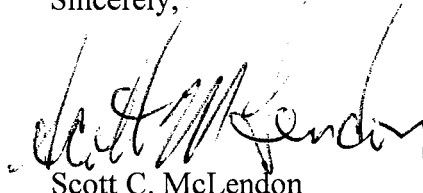
After consultation with the North Carolina State Historic Preservation Office, it was determined that the subject project would have an adverse effect on the Mount Ararat AME Church, which is determined eligible for the National Register of Historic Places under Criterion C for architecture. Subsequently, the NCDOT prepared a notification of adverse effect as required by the Council in Part 800.6(a)(1). This documentation does not proffer a formal invitation to the Council for participation in the consultation because none of the circumstances specified in Part 800.6(1)(i)(A)-(C) exist for the project.

In accordance with 36 CFR Part 800.6(a)(1), the USACE is notifying the Council of the adverse effect finding for the subject project; supporting documentation for this finding is enclosed.



If you have any questions or need additional information, please contact Brad Shaver, Project Manager, Wilmington Regulatory Field Office, at (910) 251-4611.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott C. McLendon". The signature is fluid and cursive, with the first name "Scott" and last name "McLendon" clearly distinguishable.

Scott C. McLendon  
Chief, Regulatory Division

Enclosure

Copy furnished with enclosure:

North Carolina State Historic Preservation Office  
Attn: Ms. Renee Gledhill-Earley  
4617 Mail Service Center  
Raleigh, NC 27699-4617

Copy furnished without enclosure:

Ms. Kate Husband, Architectural Historian  
Human Environment Section  
1598 Mail Service Center  
Raleigh, NC 27699-1598

CESAW-RGL/B. Shaver

CESAW-RGL/D. Beter

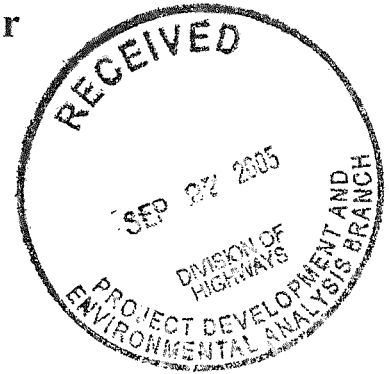
CESAW-RG/H. Wicker



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

September 16, 2005



Gregory J. Thorpe, Ph.D.  
North Carolina Department of Transportation  
Project Development and Environmental Analysis  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

This letter is in response to your request for comments from the U.S. Fish and Wildlife Service (Service) on the potential environmental effects of the proposed Military Cutoff Road extension from US 17 (Market Street) to the proposed I-140 in New Hanover County (TIP No. U-4751) and the proposed US 17 Bypass of Hampstead in New Hanover and Pender Counties (TIP No. R-3300). These comments provide scoping information in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667d) and section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

A view of recent aerial photographs of the project study area reveals a significant amount of forested wildlife habitat. Much of this forested land is likely wetland. New location projects in undeveloped land can have large negative effects on fish and wildlife habitat through direct habitat loss and fragmentation of remaining habitat. The effects of forest habitat fragmentation usually extend well beyond the project footprint and can lead to local extirpation of forest interior species and wildlife species which require large home ranges or that travel extensive distances for all or part of their life history (e.g. black bear (*Ursus americanus*)). Roads often act as physical barriers to wildlife movement and/or cause significant wildlife mortality in the form of road killed animals. Forest fragmentation can lead to increased predation of some species and increased brown-headed cowbird (*Molothrus ater*) parasitism of the nests of neotropical migrant birds. Habitat fragmentation also often facilitates invasive and/or nonnative species colonization of fragmented lands.

The two proposed projects are especially problematic for federally listed endangered and threatened species. To assist you, a county-by-county list of federally protected species known to occur in North Carolina and information on their life histories and habitats can be found on our web page at <http://nc-es.fws.gov/es/countyfr.html>. The North Carolina Natural Heritage Program (NCNHP) database reveals several relatively recent occurrences of the federally endangered red-cockaded woodpecker (*Picoides borealis*) and rough-leaved loosestrife (*Lysimachia asperulaefolia*) within the project study area and near potential alignments for the two projects. These occurrences are clustered to the west of US 17 and north of the existing

terminus of Military Cutoff Road. There is also a large concentration of red-cockaded woodpecker clusters within the Holly Shelter Game Land. These birds are part of a designated primary core population of the Mid-Atlantic Coastal Plain Recovery Unit. The project study area needs to be thoroughly surveyed for red-cockaded woodpeckers and rough-leaved loosestrife and, if suitable habitat exists, any other species listed for New Hanover and Pender Counties. It is important to note that even if no federally protected species is directly affected by the project, the indirect effects of isolating small populations by roads may be an issue.

Section 7(a)(2) of the Endangered Species Act requires that all federal action agencies (or their designated non-federal representatives), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally-listed threatened or endangered species. A biological assessment/evaluation may be prepared to fulfill the section 7(a)(2) requirement and will expedite the consultation process.

If you determine that the proposed action may affect (i.e., likely to adversely affect or not likely to adversely affect) a listed species, you should notify this office with your determination, the results of your surveys, survey methodologies, and an analysis of the effects of the action on listed species, including consideration of direct, indirect, and cumulative effects, before conducting any activities that might affect the species. If you determine that the proposed action will have no effect (i.e., no beneficial or adverse, direct or indirect effect) on listed species, then you are not required to contact our office for concurrence.

For road improvement projects such as widening, realignment, bridge replacement and culvert replacement, the Service recommends the following general conservation measures to avoid or minimize environmental impacts to fish and wildlife resources:

1. Wetland and forest impacts should be avoided and minimized to the maximal extent practical. Areas exhibiting high biodiversity or ecological value important to the watershed or region should be avoided. Proposed highway projects should be aligned along or adjacent to existing roadways, utility corridors or other previously disturbed areas in order to minimize habitat loss and fragmentation. Highway shoulder and median widths should be reduced through wetland areas;
2. Crossings of streams and associated wetland systems should use existing crossings and/or occur on a bridge structure wherever feasible. Bridges should be long enough to allow for sufficient wildlife passage along stream corridors. Where bridging is not feasible, culvert structures that maintain natural water flow and hydraulic regimes without scouring or impeding fish and wildlife passage should be employed;
3. Bridges and approaches should be designed to avoid any fill that will result in damming or constriction of the channel or flood plain. To the extent possible, piers and bents should be placed outside the bank-full width of the stream. If spanning the flood plain is not feasible, culverts should be installed in the flood plain portion of the approach to restore some of the hydrological functions of the flood plain and reduce high velocities of flood waters within the affected area;

4. Bridge designs should include provisions for roadbed and deck drainage to flow through a vegetated buffer prior to reaching the affected stream. This buffer should be large enough to alleviate any potential effects from run-off of storm water and pollutants;
5. Off-site detours should be used rather than construction of temporary, on-site bridges. For projects requiring an on-site detour in wetlands or open water, such detours should be aligned along the side of the existing structure which has the least and/or least quality of fish and wildlife habitat. At the completion of construction, the detour area should be entirely removed and the impacted areas be planted with appropriate vegetation, including trees if necessary;
6. If unavoidable wetland or stream impacts are proposed, a plan for compensatory mitigation to offset unavoidable impacts should be provided early in the planning process. Opportunities to protect mitigation areas in perpetuity via conservation easements, land trusts or by other means should be explored at the outset;
7. Wherever appropriate, construction in sensitive areas should occur outside fish spawning and migratory bird nesting seasons. In waterways that may serve as travel corridors for fish, in-water work should be avoided during moratorium periods associated with migration, spawning and sensitive pre-adult life stages. The general moratorium period for anadromous fish is February 15 - June 30;
8. Best Management Practices (BMP) for Protection of Surface Waters should be implemented; and
9. Activities within designated riparian buffers should be avoided or minimized.

We reserve the right to review any federal permits that may be required for this project, at the public notice stage. Therefore, it is important that resource agency coordination occur early in the planning process in order to resolve any conflicts that may arise and minimize delays in project implementation. In addition to the above guidance, we recommend that the environmental documentation for this project include the following in sufficient detail to facilitate a thorough review of the action:

1. A clearly defined and detailed purpose and need for the proposed project, supported by tabular data, if available, and including a discussion of the project's independent utility;
2. A description of the proposed action with an analysis of all alternatives being considered, including the upgrading of existing roads and a "no action" alternative;
3. A description of the fish and wildlife resources, and their habitats, within the project impact area that may be directly or indirectly affected;
4. The extent and acreage of waters of the U.S., including wetlands, that are to be impacted by filling, dredging, clearing, ditching, or draining. Acres of wetland impact should be

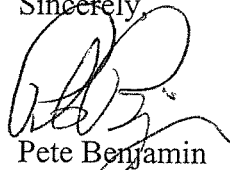


differentiated by habitat type based on the wetland classification scheme of the National Wetlands Inventory (NWI). Wetland boundaries should be determined by using the 1987 Corps of Engineers Wetlands Delineation Manual and verified by the U.S. Army Corps of Engineers;

5. The anticipated environmental impacts, both temporary and permanent, that would be likely to occur as a direct result of the proposed project. The assessment should also include the extent to which the proposed project would result in secondary impacts to natural resources, and how this and similar projects contribute to cumulative adverse effects;
6. Design features and construction techniques which would be employed to avoid or minimize impacts to fish and wildlife resources, both direct and indirect, and including fragmentation and direct loss of habitat;
7. Design features, construction techniques, or any other mitigation measures which would be employed at wetland crossings and stream channel relocations to avoid or minimize impacts to waters of the US; and,
8. If unavoidable wetland or stream impacts are proposed, project planning should include a compensatory mitigation plan for offsetting the unavoidable impacts.

The Service appreciates the opportunity to comment on this project. It is understood that a scoping meeting will be held for this project. The Service would like to attend this scoping meeting. Please inform Mr. Gary Jordan of the meeting location and date by phone at (919) 856-4520, ext. 32 or by email at [gary\\_jordan@fws.gov](mailto:gary_jordan@fws.gov). Also, if you have any questions regarding our response, please contact Mr. Jordan.

Sincerely,



Pete Benjamin  
Ecological Services Supervisor

cc: Dave Timpy, USACE, Wilmington, NC  
Brian Wrenn, NCDWQ, Raleigh, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Chris Militscher, USEPA, Raleigh, NC



North Carolina Department of Cultural Resources  
State Historic Preservation Office

Peter B. Sandbeck, Administrator

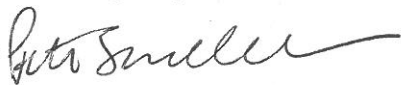
Michael F. Easley, Governor  
Lisbeth C. Evans, Secretary  
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History  
Division of Historical Resources  
David Brook, Director

October 4, 2005

MEMORANDUM

TO: Greg Thorpe, Ph.D., Director  
Project Development and Environmental Analysis Branch  
NCDOT Division of Highways

FROM: Peter Sandbeck 

SUBJECT: Military Cutoff Road Extension in New Hanover County and Hampstead Bypass in  
Pender County, u-4751 and R-3300, New Hanover and Pender Counties, ER 05-2123

Thank you for your letter of September 8, 2005, concerning the above project.

We have conducted a search of our maps and files and located the following structure of historical or architectural importance within the general area of this project:

- ◆ (NH 558) St. Stanislaus Catholic Church, SW corner of NC 133 and SR 1377.
- ◆ (NH 562) (Former) Ft. Fisher Barracks, NW corner of SR 1002 and Orange St.
- ◆ (PD 3) Poplar Grove, SE side US 17, S of jct. with SR 1572.
- ◆ (PD 255) Lillington Cemetery, N of NC 210, on Study List.
- ◆ (PD 254) Governor Samuel Ashe Grave, S side of SR 1411, (Old River Rd.)
- ◆ (PD 224) Jesse Batson House, E side SR 1411, 1.7 miles NE of jct. with US 117.
- ◆ (PD 206) Houses, SR 1418 W of US 117 both sides, on Study List.
- ◆ (PD 36) Sidbury House, E side US 117, 0.3 miles S of jct. with SR 1411, Locally Designated.
- ◆ (PD 223) Roland Batson House, E side US 117.

We recommend that a Department of Transportation architectural historian identify and evaluate any structures over fifty years of age within the project area, and report the findings to us.

We have reviewed the scoping information sheets for the Military Cutoff Road Extension and the Hampstead Bypass and would like to comment.

Concerning the Military Cutoff Road Extension to the Wilmington Bypass, only the area in the immediate vicinity of the Military Cutoff Road and US 17 intersection has been previously surveyed for the presence of archaeological resources.

ADMINISTRATION  
RESTORATION  
SURVEY & PLANNING

Location  
507 N. Blount Street, Raleigh NC  
515 N. Blount Street, Raleigh NC  
515 N. Blount Street, Raleigh, NC

Mailing Address  
4617 Mail Service Center, Raleigh NC 27699-4617  
4617 Mail Service Center, Raleigh NC 27699-4617  
4617 Mail Service Center, Raleigh NC 27699-4617

Telephone/Fax  
(919)733-4763/733-8653  
(919)733-6547/715-4801  
(919)733-6545/715-4801

002835002  
S.1.1

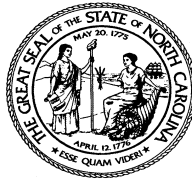
Concerning the US 17 Hampstead Bypass, none of the area indicated on page 3, "Construct Bypass of US17 around Hampstead on new location", has been surveyed for the presence of archaeological resources.

Please be aware that both projects may require archaeological surveys to be performed within the project corridors when they are selected. We would be pleased to assist you in the development and review of any scopes of work, proposals, or other documents relating to this matter. If significant archaeological sites are identified, appropriate measures should be taken to minimize adverse impacts.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment please contact Renee Gledhill-Earley, environmental review coordinator, at 919 733 4763. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Mary Pope Furr, NCDOT  
Matt Wilkerson, NCDOT



**North Carolina Department of Cultural Resources  
State Historic Preservation Office**

Peter B. Sandbeck, Administrator

Beverly Eaves Perdue, Governor  
Linda A. Carlisle, Secretary  
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History  
Division of Historical Resources  
David Brook, Director

January 21, 2011

**MEMORANDUM**

**TO:** Mary Pope Furr  
Office of Human Environment  
NCDOT Division of Highways

**FROM:** Claudia Brown *PSE for Claudia Brown*

**SUBJECT:** Historic Architectural Resources Survey Report Addendum, Military Cutoff Road and Hampstead Bypass, U-4751 and R-3300, New Hanover and Pender Counties, ER 05-2123

We are in receipt of Kate Husband's letter of November 22, 2010, which transmits the addendum to the survey report for the above project and addresses questions that we raised about three sites: Poplar Grove Plantation, Mount Ararat AME Church, and the Wesleyan Chapel United Methodist Church.

**Poplar Grove Plantation**

Thank you for the additional information regarding the one-story frame structure located along the southwest boundary of the property, southeast of the Mako's Raw Bar and Grill. We concur with your original finding (in the survey report dated August 25, 2010, by Mattson, Alexander and Associates, Inc.) that the Poplar Grove Plantation remains eligible for listing in the National Register of Historic Places, and your revised finding that the current National Register boundary appears appropriate.

**Mount Ararat AME Church**

Upon review of the additional information regarding the interior condition of the church and interior photograph, we concur with your original finding that the property is eligible for listing in the National Register under Criterion C for Design/Construction with Criteria Consideration A for Religious Properties.

**Wesleyan Chapel United Methodist Church**

Upon review of the additional information regarding the interior condition of the church and interior photographs, we concur with your original finding that the property is eligible for listing in the National Register under Criterion C for Design/Construction with Criteria Consideration A for Religious Properties.

We thank you for addressing these issues. We will add the addendum to our survey files.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.



Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, Environmental Review Coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Kate Husband, PDEA/OHE

Federal Aid #: NA

TIP#: U-4751/R-3300

County: New Hanover & Pender

### CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

*Project Description:* Military Cutoff Road Extension and Hampstead Bypass

On March 8, 2011, representatives of the

- ☒ North Carolina Department of Transportation (NCDOT)
- ☐ Federal Highway Administration (FHWA)
- ☒ North Carolina State Historic Preservation Office (HPO)
- ☒ Other USACE (phone)

Reviewed the subject project and agreed on the effects findings listed within the table on the reverse of this signature page.

Signed:

Mary Pope  
Representative, NCDOT

3/8/2011

Date

Brad Esthew  
Representative, USACE

3/9/11

Date

Representative, HPO

Date

Renee Medhill-Easley  
State Historic Preservation Officer

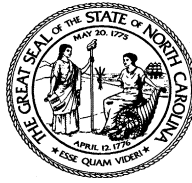
3-8-11

Date

Federal Aid #: NA TIP#: U-4751/R-3300 County: New Hanover & Pender

| Property and Status   | Effect Finding                               | Alternative                                  | Reasons  |
|---|--|--|--|
| Poplar Grove (NR, Criteria B & C)<br><b>Alternative U</b>                               | Adverse Eff.<br>Adverse Eff.<br>Adverse Eff. | Current Des.<br>Avoidance Des.<br>Expressway | - taking property & bisecting parcel<br>- impacts to property w/ fill slope for bridge - 3 frontage?<br>- impacts to frontage w/ 14 lane freeway                                 |
| Scott's Hill Rosenwald School (DE, Criteria A & C)<br><b>Alternative U</b>              | Adverse Eff.<br>Adverse Eff.<br>Adverse Eff. | Current Des.<br>Avoidance                    | - service road thru structure<br>- ROW thru structure & access issues  |
| Topsail Consolidated School (DE, Criteria A & C)<br><b>Alternative has been dropped</b> | No Effect<br>Adverse Eff.                    |  | - no construction - alternative has been dropped.  |
| Mount Ararat AME Church (DE, Criterion C)<br><b>Alternative M1 &amp; M2</b>             | Adverse Eff.<br>Adverse Eff.<br>Adverse Eff. | Current Des.<br>Avoidance<br>Expressway      | - taking property & control of access & taking cemetery markers.<br>- taking structure & cemetery<br>- control of access @ front door. - structure remains<br>- taking structure |

Initialed: NCDOT MPT USACE EST HPO PJR



**North Carolina Department of Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Pat McCrory  
Secretary Susan Kluttz

Office of Archives and History  
Deputy Secretary Kevin Cherry

September 3, 2013

**MEMORANDUM**

**TO:** Matt Wilkerson  
Office of Human Environment  
NCDOT Division of Highways

**FROM:** Ramona M. Bartos *RMB for Ramona M. Bartos*

**SUBJECT:** Management Summary: *Archaeological Survey and Evaluation of the Proposed Military Cutoff Road Extension and US 17 Hampstead Bypass in New Hanover and Pender Counties*, ER 05-2123

We have reviewed the archaeological management summary produced by Coastal Carolina Research, Inc. (CCR) for the Military Cutoff Road Extension and the Hampstead Bypass.

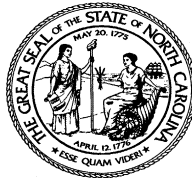
The area of potential effect (APE) was defined as a 33.5 mile corridor running roughly parallel to US 17 between Ogden (New Hanover County) and Hampstead (Pender County). The archaeological survey consisted of 133 acres intensively surveyed and 158 acres visually surveyed that focused on areas where local topography and hydrology suggested a medium to high probability for encountering significant archaeological resources. As a result nine archaeological sites were identified, one of which (31PD344\*\*) was recommended eligible for inclusion on the National Register of Historic Places.

We look forward to reviewing the technical report detailing CCR's survey findings this fall.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number.





**North Carolina Department of Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Pat McCrory  
Secretary Susan Kluttz

Office of Archives and History  
Deputy Secretary Kevin Cherry

October 15, 2013

**MEMORANDUM**

**TO:** Matt Wilkerson  
Office of Human Environment  
NCDOT Division of Highways

**FROM:** Ramona M. Bartos

*Re: for Ramona M. Bartos*

**SUBJECT:** Archaeological Report: *Archaeological Survey and Evaluation of the Proposed Military Cutoff Road Extension and US 17 Hampstead Bypass in New Hanover and Pender Counties*, U-4751 and R-3300, ER 05-2123

We have reviewed the archaeological report produced by Coastal Carolina Research, Inc. (CCR) for the Military Cutoff Road Extension and the Hampstead Bypass.

The area of potential effect (APE) was defined as a 33.5 mile corridor running roughly parallel to US 17 between Ogden (New Hanover County) and Hampstead (Pender County). The archaeological survey consisted of 133 acres intensively surveyed and 158 acres visually surveyed that focused on areas where local topography and hydrology suggested a medium to high probability for encountering significant archaeological resources.

As a result of this survey nine archaeological sites were identified. Eight of these sites were recommended ineligible for listing on National Register of Historic Places (NRHP). Seven of these sites were historic in nature and included three cemeteries and four probable historic occupation sites. Only one of the ineligible sites contained prehistoric artifacts. We concur with the recommendations that these sites are not eligible for listing on the NRHP and that no further archaeological work is necessary with the exception of any affected cemeteries that may require treatment under the provisions of N.C.G.S 65-13.

One historic period site, 31PD344\*\*, was recommended by CCR as eligible for inclusion on the NRHP. This site is a short-term mid to late 18<sup>th</sup> century domestic site characterized by on-site commercial extraction of local forest products. Because this site is relatively intact and represents a discreet occupation it has the potential to yield information on the lifeways of 18<sup>th</sup> century lower socio-economic people not directly associated with the domestic core of the plantation. We concur with the recommendation for NRHP eligibility and look forward to reviewing plans for mitigation through additional data recovery or avoidance.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

**CONCURRENCE FORM FOR PROPERTIES NOT ELIGIBLE FOR  
THE NATIONAL REGISTER OF HISTORIC PLACES**

*Project Description:*

On October 29, 2013, representatives of the

- ☒ North Carolina Department of Transportation (NCDOT)  
☐ Federal Highway Administration (FHWA)  
☒ North Carolina State Historic Preservation Office (HPO)  
☐ Other

Reviewed the subject project at historic architectural resources photograph review session/consultation and

All parties present agreed

- ☐ There are no properties over fifty years old within the project's Area of Potential Effects (APE).
- ☒ There are no properties less than fifty years old which are considered to meet Criteria Consideration G within the project's APE.
- ☒ There are properties over fifty years old within the project's APE, but based on the historical information available and the photographs of each property, the properties identified as 79-90 are considered not eligible for the National Register and no further evaluation of them is necessary. Photographs of these properties are attached.
- ☒ There are no National Register-listed or Study Listed properties within the project's APE.
- ☒ All properties greater than 50 years of age located in the APE have been considered at this consultation, and based upon the above concurrence, all compliance for historic architecture with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.
- ☐ More information is requested on properties \_\_\_\_\_.

Signed:

Kathryn Hubbard  
Representative, NCDOT

10/29/2013  
Date

\_\_\_\_\_  
FHWA, for the Division Administrator, or other Federal Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative, HPO

\_\_\_\_\_  
Date

Renee Hedrick-Early  
State Historic Preservation Officer

10-29-13  
Date

If a survey report is prepared, a final copy of this form and the attached list will be included.

Updated Concurrence Form (May 13, 2014)

Federal Aid #: NA

TIP#: U-4751/R-3300

County: New Hanover & Pender

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: Military Cutoff Road Extension and Hampstead Bypass

On March 8, 2011, representatives of the

- ☒ North Carolina Department of Transportation (NCDOT)
- ☐ Federal Highway Administration (FHWA)
- ☒ North Carolina State Historic Preservation Office (HPO)
- ☒ Other USACE (phone)

Reviewed the subject project and agreed on the effects findings listed within the table on the reverse of this signature page.

Signed:

Mary Pope  
Representative, NCDOT

3/8/2011  
Date

\_\_\_\_\_  
Representative, USACE

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative, HPO

\_\_\_\_\_  
Date

Renee Medhill-Easley  
State Historic Preservation Officer

3-8-11  
Date



Federal Aid #: NA

TIP#: U-4751/R-3300

County: New Hanover &amp; Pender

| Property and Status   | Effect Finding                               | Alternative                                  | Reasons   |
|---|--|--|---|
| Poplar Grove (NR, Criteria B & C)<br><b>Alternative U</b>                               | Adverse Eff.<br>Adverse Eff.<br>Adverse Eff. | Current Des.<br>Avoidance Des.<br>Expressway | - taking property & bisecting parcel<br>- impacts to property w/ fill slope for bridge & frontage<br>- impacts to frontage w/ 14 lane freeway                     |
| Scott's Hill Rosenwald School (DE, Criteria A & C)<br><b>Alternative U</b>              | Adverse Eff.<br>Adverse Eff.                 | Current Des.<br>Avoidance                    | - service road thru structure<br>- ROW thru structure & access issues<br>5/13/2014, Review Revised Design, 1/6 Adverse Effect. Plans Attached. KLH 5-13-14<br>DYE |
| Topsail Consolidated School (DE, Criteria A & C)<br><b>Alternative has been dropped</b> | No Effect                                    |  | - no construction - alternative has been dropped.   |
| Mount Ararat AME Church (DE, Criterion C)<br><b>Alternative M1 &amp; M2</b>             | Adverse Eff.                                 |  | - taking property & control of access & taking cemetery markers.  |
| Wesleyan Chapel United Methodist Church (DE, Criterion C)<br><b>Alternative U</b>       | Adverse Eff.<br>Adverse Eff.<br>Adverse Eff. | Current Des.<br>Avoidance<br>Expressway      | - taking structure & cemetery<br>- control of access @ front door. - structure remains<br>- taking structure  |

Initialed:

NCDOT **MPA**

USACE

HPO

**DYE** 5-13-14

KLH 5/13/2014



North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

**MEMORANDUM**

**TO:** Melba McGee, NCDENR

**FROM:** Steve Sollod, DCM

**DATE:** October 18, 2005

**SUBJECT:** Military Cutoff Road Extension from US 17 (Market Street) to the Proposed I-140 in New Hanover County and the US 17 Bypass of Hampstead in New Hanover and Pender Counties, WBS Element 40191.1.1 and 40237, TIP Projects U-4751 and R-3300, Project Review No. 06-0107

The North Carolina Division of Coastal Management (DCM) has reviewed the scoping letter of the above referenced project, which was submitted to the NC State Clearinghouse for intergovernmental review. We offer the following comments, which should be considered in preparation of an environmental document.

1. A determination of consistency with the North Carolina Coastal Management Program may be required for this project. Because North Carolina's Coastal Management Program is Federally approved, a number of activities are required to comply with the program's enforceable policies even if those activities do not require Coastal Area Management Act (CAMA) permits under State law. This "Federal Consistency" authority exists under the federal Coastal Zone Management Act. It applies to any activity that is in the coastal zone, or affects any land use, water use or any natural resource within the coastal zone (even if the activity occurs outside of the coastal zone), if the activity: is a Federal activity; requires a Federal license or permit; receives Federal money; or is a plan for exploration, development or production from any area leased under the Outer Continental Shelf Lands Act. Such projects must comply with the key elements of North Carolina's Coastal Management Program. Federal Consistency requires that the applicant certify to the federal agency and DCM that the proposed activity will be conducted in a manner that is consistent with the State's coastal management program. This consistency certification includes a review of the State's coastal program and contains an analysis describing how the proposed project would be consistent, to the maximum extent feasible, with the State's enforceable coastal policies as mandated by the requirements of Federal Consistency (15 CFR 930) and North Carolina Executive Order #15. Information pertaining to the consistency determination should be included in the environmental document.

400 Commerce Avenue, Morehead City, North Carolina 28557-3421  
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: [www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)

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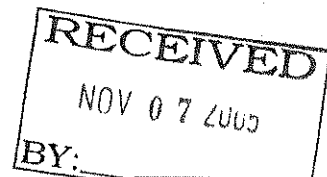


2. All applicable CAMA Land Use Plans should be reviewed and the project evaluated against the enforceable policies of these plans. This evaluation is a part of the Federal Consistency requirements and this information should be included in the environmental document.
3. The proposed project may impact CAMA Areas of Environmental Concern (AECs) in the project study area. In this case, a CAMA Major Development and/or Dredge & Fill Permit may be required for the project. A formal DCM review of the project to determine consistency with the State's Coastal Management Program will not occur until a CAMA Major Development Permit application is received. At that time, the CAMA Major Development Permit application will be circulated to the State agencies with an interest in the proposed project for review and comment. The consideration and incorporation by NCDOT of the comments received during the NEPA/404 Merger Process into the final project design should help to expedite the CAMA Major Development Permit application review process.
4. DCM's GIS-based wetland inventory and mapping program provides wetland data that can be used to improve wetland avoidance, minimization, alternatives analysis, impact assessment, and mitigation site searches. DCM's GIS-based wetland maps and data may be included by DOT within the environmental document for this project. The GIS-based wetland maps and data are available through DOT's Geographic Information Systems Unit located at the Century Center on Birch Ridge Road in Raleigh. DCM's GIS-based wetland inventory and mapping program includes three wetland inventory and assessment tools available for the coastal area:
  - a. Wetland type data. This data can be used early in the planning process to avoid and minimize impacts to wetlands and specific wetland types, to estimate project impacts, and to estimate mitigation needs.
  - b. Wetland Functional Significance data (NC-CREWS). This data can be used to refine the road alignment to avoid the most ecologically significant wetlands that contribute most to their watershed's health.
  - c. Potential wetland restoration and enhancement site data. This data can be used to locate mitigation sites.

We hope that you find these comments helpful and that they will be addressed during planning and preparation of the environmental document for this project. During future interagency project coordination and review, DCM may have additional comments on the project, and may place conditions on the consistency determination or CAMA permit to minimize any impacts to coastal resources. The information provided in this letter shall not preclude DCM from requesting additional information throughout the interagency project coordination and review process, and following normal consistency review procedures.

If you have any questions or concerns, please contact me at (919) 733-2293 x 230, or via e-mail at [steve.sollod@ncmail.net](mailto:steve.sollod@ncmail.net). Thank you for your consideration of the North Carolina Coastal Management Program.

NOV 08 2005



DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL HEALTH

Inter-Agency Project Review Response

|                           |
|---------------------------|
| Project Number<br>06-0107 |
| County<br>New Hanover     |

Project Name NC DOT Type of Project Military Cutoff Road Extension  
from US 17 (Market Street) to the  
proposed I-140 in New Hanover  
County & US 17 Bypass.

Comments provided by:

- ☐ Regional Program Person  
☒ Regional Supervisor for Public Water Supply Section  
☐ Central Office program person

Name: Debra Benoy-Wilmington RO

Date: 11-02-05

Telephone number: \_\_\_\_\_

Program within Division of Environmental Health:

- ☐ Public Water Supply  
☐ Other, Name of Program: \_\_\_\_\_

Response (check all applicable):

- ☐ No objection to project as proposed  
☐ No comment  
☐ Insufficient information to complete review  
☐ Comments attached  
☒ See comments below



An Authorization to Construct  
is reg'd from PWS  
Prior to relocating water lines.

Return to:

Public Water Supply Section  
Environmental Review Coordinator  
for the  
Division of Environmental Health

DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL HEALTH

Project Number  
06-0107

County  
New Hanover

Inter-Agency Project Review Response

Project Name SAME AS ON THE FRONT Type of Project \_\_\_\_\_

- ☐ The applicant should be advised that plans and specifications for all water system improvements must be approved by the Division of Environmental Health prior to the award of a contract or the initiation of construction (as required by 15A NCAC 18C .0300et. seq.). For information, contact the Public Water Supply Section, (919) 733-2321.
- ☐ This project will be classified as a non-community public water supply and must comply with state and federal drinking water monitoring requirements. For more information the applicant should contact the Public Water Supply Section, (919) 733-2321.
- ☐ If this project is constructed as proposed, we will recommend closure of \_\_\_\_\_ feet of adjacent waters to the harvest of shellfish. For information regarding the shellfish sanitation program, the applicant should contact the Shellfish Sanitation Section at (252) 726-6827.
- ☐ The soil disposal area(s) proposed for this project may produce a mosquito breeding problem. For information concerning appropriate mosquito control measures, the applicant should contact the Public Health Pest Management Section at (919) 733-6407.
- ☐ The applicant should be advised that prior to the removal or demolition of dilapidated structures, a extensive rodent control program may be necessary in order to prevent the migration of the rodents to adjacent areas. For information concerning rodent control, contact the local health department or the Public Health Pest Management Section at (919) 733-6407.
- ☐ The applicant should be advised to contact the local health department regarding their requirements for septic tank installations (as required under 15A NCAC 18A. 1900 et. seq.). For information concerning septic tank and other on-site waste disposal methods, contact the On-Site Wastewater Section at (919) 733-2895.
- ☐ The applicant should be advised to contact the local health department regarding the sanitary facilities required for this project.
- ☒ If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Environmental Health, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.
- ☒ For Regional and Central Office comments, see the reverse side of this form.

Jim McRight

PWS

11-02-05

Reviewer

Section/Branch

Date





North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

August 16, 2010

Mark Mickley  
Environmental Scientist  
Mulkey Engineers and Consultants  
6750 Tryon Road  
Cary, NC 27518

Subject: NCDOT TIP # U-4751 and R-3300, New Hanover and Pender Counties  
**Cape Fear River Basin**

On-Site Determination for Applicability to the Mitigation Rules (15A NCAC 2H .0506(h))

Dear Mr. Mickley:

Between January 4, 2009 and April 16, 2010, at your request and in your attendance, David Wainwright, NC Division of Water Quality (NCDWQ) staff, conducted numerous on-site determinations to review drainage and isolated wetland features associated with the proposed Hampstead Bypass (US 17 to north of US 17) and SR 1409 (Military Cutoff Road) to US 17 for applicability to mitigation rules (15A NCAC 2H .0506[h]). The drainage and wetland features are approximated on the attached maps initialed and dated August 16, 2010. Please note that only the portion of the feature located within the study area (see attached maps) where evaluated. Drainage features are summarized in the following table:

| DRAINAGE FEATURES TABLE |                                 |                        |               |                            |                        |                           |
|-------------------------|---------------------------------|------------------------|---------------|----------------------------|------------------------|---------------------------|
| NUMBER                  | ATTACHED<br>FEATURE<br>MAP PAGE | JD<br>PACKET<br>FIGURE | FEATURE<br>ID | JURISDICTIONAL<br>STATUS * | MITIGATION<br>REQUIRED | LOCATED<br>ON USGS<br>MAP |
| 1                       | 1                               | 3-1                    | ASA           | Perennial                  | Yes                    | Yes                       |
| 2                       | 2                               | 3-11                   | BSA           | Perennial                  | Yes                    | No                        |
| 3                       | 2                               | 3-2, 3-11              | BSJ           | Perennial                  | Yes                    | No                        |
| 4                       | 2                               | 3-2, 3-12              | BSK           | Perennial                  | Yes                    | No                        |
| 5                       | 2                               | 3-11                   | BSL           | Perennial                  | Yes                    | No                        |
| 6                       | 2                               | 3-12                   | BSM           | Perennial                  | Yes                    | No                        |
| 7                       | 2                               | 3-13                   | BSN           | Perennial                  | Yes                    | No                        |
| 8                       | 2                               | 3-14                   | BSO           | Perennial                  | Yes                    | No                        |
| 9                       | 2                               | 3-15                   | BSP           | Perennial                  | Yes                    | No                        |
| 10                      | 2                               | 3-16                   | BSQ           | Perennial                  | Yes                    | No                        |
| 11                      | 1                               | 3-2                    | BDITCH1       | Tributary                  | No                     | No                        |
| 12                      | 2, 3                            | 3-15                   | CSA           | Perennial                  | Yes                    | No                        |
| 13                      | 2, 3                            | 3-15                   | CSB           | Perennial                  | Yes                    | No                        |
| 14                      | 2, 3                            | 3-15                   | CSC           | Tributary                  | No                     | No                        |
| 15                      | 2, 3                            | 3-11, 3-15             | CSD           | Intermittent               | Yes                    | No                        |
| 16                      | 2                               | 3-11                   |               | Perennial                  | Yes                    | No                        |
| 17                      | 2, 3                            | 3-11                   | CSE           | Tributary                  | No                     | No                        |
| 18                      | 2, 3                            | 3-11                   | CSF           | Tributary                  | No                     | No                        |

Transportation Permitting Unit  
1650 Mail Service Center, Raleigh, North Carolina 27699-1650  
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Internet: <http://h2o.enr.state.nc.us/ncwetlands/>

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DRAINAGE FEATURES TABLE (continued)

| NUMBER | ATTACHED<br>FEATURE<br>MAP PAGE | JD<br>PACKET<br>FIGURE | FEATURE<br>ID | JURISDICTIONAL<br>STATUS * | MITIGATION<br>REQUIRED | LOCATED<br>ON USGS<br>MAP |
|--------|---------------------------------|------------------------|---------------|----------------------------|------------------------|---------------------------|
| 19     | 2                               | 3-11                   | CSG           | Intermittent               | No                     | No                        |
| 20     | 2                               | 3-11                   | CSH           | Intermittent               | No                     | No                        |
| 21     | 2                               | 3-11                   | CSI           | Perennial                  | Yes                    | No                        |
| 22     | 3                               | 3-15                   | CSJ           | Perennial                  | Yes                    | No                        |
| 23     | 3                               | 3-15                   | CSK           | Perennial                  | Yes                    | No                        |
| 24     | 2, 3, 10                        | 3-12                   | DSA           | Perennial                  | Yes                    | No                        |
| 25     | 9                               | 3-6                    | ESA           | Perennial                  | Yes                    | Yes                       |
| 26     | 9                               | 3-6                    | ESB           | Perennial                  | Yes                    | No                        |
| 27     | 3                               | 3-15                   | FSA           | Perennial                  | Yes                    | No                        |
| 28     | 3                               | 3-15                   | FSB           | Intermittent               | Yes                    | Yes (partially)           |
| 29     | 3                               | 3-15                   | FSC           | Intermittent               | Yes                    | No                        |
| 30     | 3                               | 3-15                   | FSD           | Intermittent               | Yes                    | No                        |
| 31     | 3                               | 3-16                   | FSE           | Perennial                  | Yes                    | No                        |
| 32     | 3, 4                            | 3-16                   | FSF           | Tributary                  | Yes                    | No                        |
| 33     | 3                               | 3-16                   | FSH           | Tributary                  | No                     | No                        |
| 34     | 3, 10                           | 3-16                   |               | Intermittent               | Yes                    | No                        |
| 35     | 3, 10                           | 3-16                   |               | Perennial                  | Yes                    | No                        |
| 36     | 3, 10                           | 3-16                   | FSI           | Perennial                  | Yes                    | No                        |
| 37     | 3                               | 3-15                   | FSJ           | Intermittent               | Yes                    | No                        |
| 38     | 4                               | 3-16                   | FSK           | Intermittent               | Yes                    | No                        |
| 39     | 4                               | 3-17                   | GSA           | Perennial                  | Yes                    | No                        |
| 40     | 3, 10                           | 3-16                   | GSB           | Intermittent               | Yes                    | No                        |
| 41     | 3, 10                           | 3-16                   | GSG           | Intermittent               | Yes                    | No                        |
| 42     | 10                              | 3-16                   | GSX           | Perennial                  | Yes                    | No                        |
| 43     | 3, 10                           | 3-12                   | GFSE          | Perennial                  | Yes                    | No                        |
| 44     | 4, 5                            | 3-22                   | HBSA          | Perennial                  | Yes                    | No                        |
| 45     | 4                               | 3-22, 3-23             | HBSAA         | Intermittent               | Yes                    | No                        |
| 46     | 4                               | 3-22, 3-24             |               | Perennial                  | Yes                    | No                        |
| 47     | 4, 5                            | 3-23                   | HBSB          | Intermittent               | Yes                    | No                        |
| 48     | 4, 5                            | 3-23                   | HBSC          | Perennial                  | Yes                    | No                        |
| 49     | 4, 5                            | 3-23                   | HBSD(1)       | Intermittent               | Yes                    | No                        |
| 50     | 4, 5                            | 3-23                   |               | Perennial                  | Yes                    | No                        |
| 51     | 4, 5                            | 3-23                   | HBSD(2)       | Perennial                  | Yes                    | Yes                       |
| 52     | 4, 5                            | 3-23                   | HBSE          | Perennial                  | Yes                    | No                        |
| 53     | 4                               | 3-22                   | HBSF          | Perennial                  | Yes                    | Yes                       |
| 54     | 4                               | 3-22                   | HBSG          | Perennial                  | Yes                    | Yes                       |
| 55     | 4                               | 3-22                   | HBSH          | Intermittent               | Yes                    | No                        |
| 56     | 5                               | 3-28                   | HSA           | Intermittent               | Yes                    | No                        |
| 57     | 5                               | 3-18                   | HSB           | Intermittent               | Yes                    | No                        |
| 58     | 5                               | 3-23                   | HSC           | Perennial                  | Yes                    | No                        |
| 59     | 5                               | 3-23                   | HSCA          | Intermittent               | Yes                    | No                        |
| 60     | 5                               | 3-23                   | HSD           | Intermittent               | Yes                    | No                        |
| 61     | 4, 5                            | 3-23                   | HSE           | Intermittent               | Yes                    | No                        |
| 62     | 5                               | 3-18                   | HSX           | Perennial                  | Yes                    | No                        |
| 63     | 5                               | 3-23                   | HSZ           | Perennial                  | Yes                    | No                        |
| 64     | 5                               | 3-23                   | HDITCH1       | Tributary                  | No                     | No                        |
| 65     | 5                               | 3-23                   | HDITCH2       | Tributary                  | No                     | No                        |
| 66     | 4                               | 3-17                   | ISA           | Intermittent               | Yes                    | No                        |
| 67     | 4                               | 3-17                   |               | Perennial                  | Yes                    | No                        |
| 68     | 4                               | 3-17                   | ISB           | Perennial                  | Yes                    | Yes                       |
| 69     | 4, 5                            | 3-18                   | ISC           | Intermittent               | Yes                    | No                        |
| 70     | 5                               | 3-18                   |               | Perennial                  | Yes                    | No                        |
| 71     | 5                               | 3-18                   | ISD           | Perennial                  | Yes                    | No                        |
| 72     | 4, 5                            | 3-17                   | IDITCH1       | Tributary                  | No                     | No                        |

DRAINAGE FEATURES TABLE (continued)

| NUMBER | ATTACHED<br>FEATURE<br>MAP PAGE | JD<br>PACKET<br>FIGURE | FEATURE<br>ID | JURISDICTIONAL<br>STATUS * | MITIGATION<br>REQUIRED | LOCATED<br>ON USGS<br>MAP |
|--------|---------------------------------|------------------------|---------------|----------------------------|------------------------|---------------------------|
| 73     | 6, 7, 8                         | 3-8                    | JSA           | Tributary                  | No                     | No                        |
| 74     | 6, 7, 8                         | 3-8                    |               | Intermittent               | Yes                    | No                        |
| 75     | 6, 8                            | 3-8                    | JSB           | Intermittent               | Yes                    | No                        |
| 76     | 7, 8                            | 3-8                    | JSC           | Intermittent               | Yes                    | No                        |
| 77     | 7                               | 3-9                    | JSD           | Intermittent               | Yes                    | No                        |
| 78     | 7, 8                            | 3-9                    |               | Perennial                  | Yes                    | No                        |
| 79     | 5                               | 3-18                   | LSA           | Perennial                  | Yes                    | No                        |
| 80     | 5                               | 3-19                   | LSAA          | Perennial                  | Yes                    | No                        |
| 81     | 5                               | 3-18                   | LSAB          | Tributary                  | No                     | No                        |
| 82     | 5, 6                            | 3-18                   | LSB           | Perennial                  | Yes                    | No                        |
| 83     | 6, 8                            | 3-14, 3-19             | LSC           | Perennial                  | Yes                    | Yes                       |
| 84     | 6, 8                            | 3-19                   | LSCA          | Intermittent               | Yes                    | No                        |
| 85     | 6, 8                            | 3-19                   |               | Perennial                  | Yes                    | No                        |
| 86     | 6, 8                            | 3-19                   | LSCAA         | Perennial                  | Yes                    | No                        |
| 87     | 6, 8                            | 3-19                   | LSCB          | Perennial                  | Yes                    | No                        |
| 88     | 6, 8                            | 3-19                   | LSCBA         | Tributary                  | No                     | No                        |
| 89     | 6, 8                            | 3-14                   | LSCC          | Perennial                  | Yes                    | No                        |
| 90     | 6, 8                            | 3-19                   | LSCD          | Intermittent               | Yes                    | No                        |
| 91     | 6, 8                            | 3-19                   | LSCE          | Intermittent               | Yes                    | No                        |
| 92     | 6, 8                            | 3-14                   | LSCF          | Intermittent               | Yes                    | No                        |
| 93     | 6, 8                            | 3-8, 3-14              | LSD           | Perennial                  | Yes                    | No                        |
| 94     | 6, 8                            | 3-14                   | LSDA          | Intermittent               | Yes                    | No                        |
| 95     | 6                               | 3-14                   | LSE           | Perennial                  | Yes                    | No                        |
| 96     | 6, 8                            | 3-8                    | LTRIB1        | Tributary                  | No                     | No                        |
| 97     | 7                               | 3-20                   | MSA           | Intermittent               | Yes                    | No                        |
| 98     | 7                               | 3-20                   | MSAA          | Tributary                  | No                     | No                        |
| 99     | 7                               | 3-20                   | MSB           | Perennial                  | Yes                    | No                        |
| 100    | 6                               | 3-19                   | MSC           | Perennial                  | Yes                    | Yes                       |
| 101    | 6                               | 3-19                   | MSCA          | Perennial                  | Yes                    | Yes                       |
| 102    | 6                               | 3-19                   | MSD           | Perennial                  | Yes                    | Yes                       |
| 103    | 6                               | 3-19                   | MSDA          | Tributary                  | Yes                    | No                        |
| 104    | 6                               | 3-19                   |               | Intermittent               | Yes                    | No                        |
| 105    | 6                               | 3-19                   |               | Perennial                  | Yes                    | No                        |
| 106    | 6                               | 3-19                   | MSE           | Perennial                  | Yes                    | No                        |
| 107    | 5, 6                            | 3-19                   | MSF           | Perennial                  | Yes                    | Yes                       |
| 108    | 6                               | 3-19                   | MSFA          | Perennial                  | Yes                    | No                        |
| 109    | 6                               | 3-19                   | MSFB          | Intermittent               | Yes                    | No                        |
| 110    | 6                               | 3-19, 3-20             | MSI           | Tributary                  | No                     | No                        |
| 111    | 6                               | 3-19, 3-20             |               | Intermittent               | Yes                    | No                        |
| 112    | 6                               | 3-19                   | MDITCH1       | Tributary                  | No                     | No                        |
| 113    | 6                               | 3-19                   | MDITCH2       | Tributary                  | No                     | No                        |
| 114    | 6                               | 3-19                   | MDITCH3       | Tributary                  | No                     | No                        |
| 115    | 6                               | 3-19                   | MDITCH4       | Tributary                  | No                     | No                        |
| 116    | 6                               | 3-19                   | MDITCH5       | Tributary                  | No                     | No                        |
| 117    | 6                               | 3-19                   | MDITCH6       | Tributary                  | No                     | No                        |
| 118    | 6                               | 3-19                   | MDITCH7       | Tributary                  | No                     | No                        |
| 119    | 6                               | 3-19                   | MDITCH8       | Tributary                  | No                     | No                        |
| 120    | 6                               | 3-19                   | MDITCH9       | Tributary                  | No                     | No                        |
| 121    | 6                               | 3-19                   | MDITCH10      | Tributary                  | No                     | No                        |
| 122    | 6                               | 3-19                   | MDITCH11      | Tributary                  | No                     | No                        |
| 123    | 6                               | 3-19                   | MDITCH12      | Tributary                  | No                     | No                        |
| 124    | 7                               | 3-10                   | NSA           | Intermittent               | Yes                    | No                        |
| 125    | 7                               | 3-10                   |               | Perennial                  | Yes                    | No                        |
| 126    | 7                               | 3-9                    | NSB           | Tributary                  | No                     | No                        |



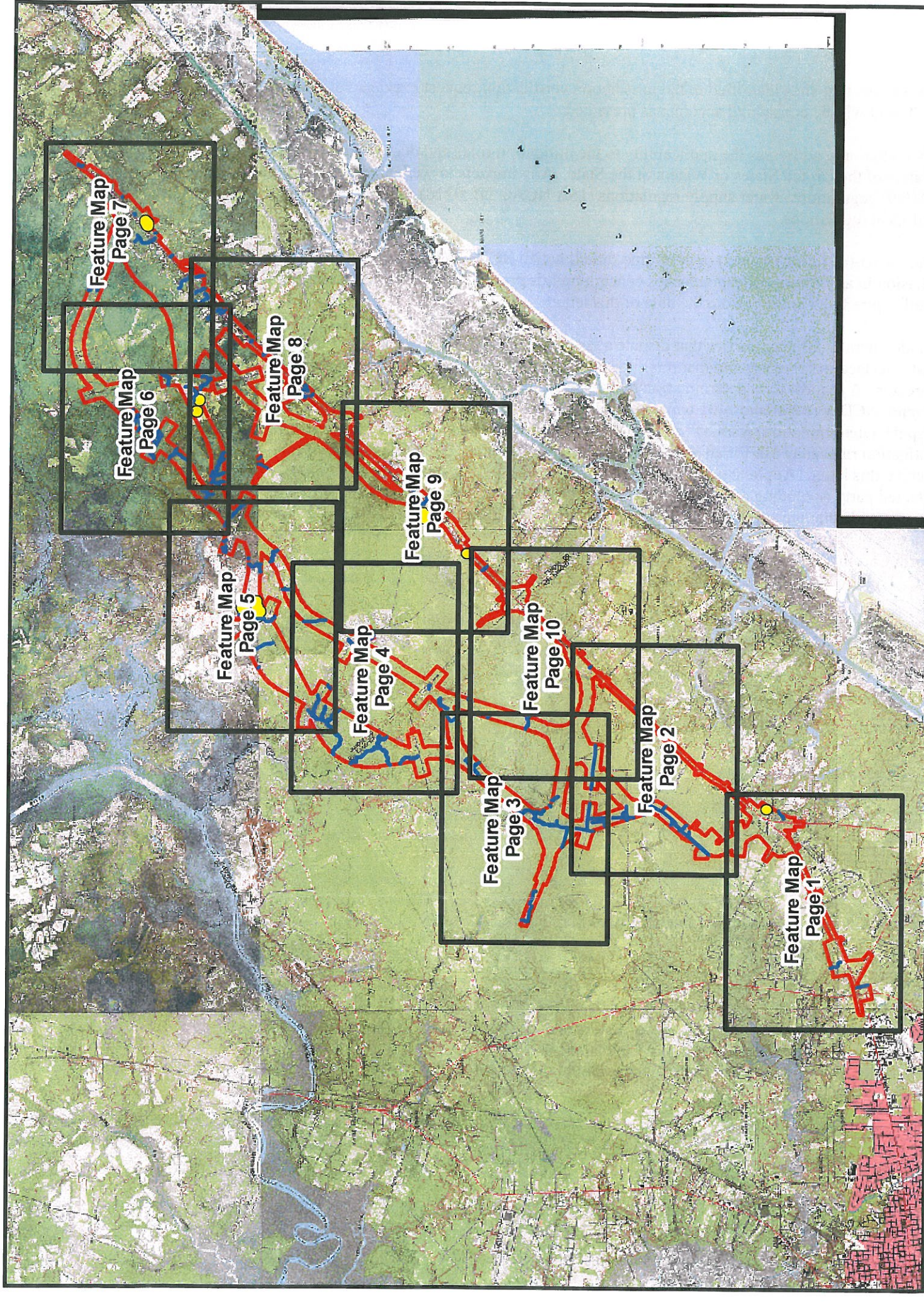
| DRAINAGE FEATURES TABLE (continued) |                                 |                        |               |                            |                        |                           |
|-------------------------------------|---------------------------------|------------------------|---------------|----------------------------|------------------------|---------------------------|
| NUMBER                              | ATTACHED<br>FEATURE<br>MAP PAGE | JD<br>PACKET<br>FIGURE | FEATURE<br>ID | JURISDICTIONAL<br>STATUS * | MITIGATION<br>REQUIRED | LOCATED<br>ON USGS<br>MAP |
| 127                                 | 7                               | 3-9                    | NSF           | Intermittent               | Yes                    | No                        |
| 128                                 | 7                               | 3-9                    |               | Perennial                  | Yes                    | No                        |
| 129                                 | 7                               | 3-1                    | NDITCH1       | Tributary                  | No                     | No                        |
| 130                                 | 1, 2, 10                        | 3-4                    | ZSA           | Intermittent               | Yes                    | No                        |
| 131                                 | 9, 10                           | 3-5                    | ZSB           | Perennial                  | Yes                    | No                        |
| 132                                 | 8                               | 3-7                    | ZSC           | Tributary                  | No                     | No                        |
| 133                                 | 8                               | 3-7                    |               | Intermittent               | Yes                    | No                        |
| 134                                 | 8                               | 3-8                    | ZSD           | Perennial                  | Yes                    | No                        |
| 135                                 | 8                               | 3-13                   | ZSE           | Tributary                  | No                     | No                        |
| 136                                 | 8                               | 3-13                   |               | Intermittent               | Yes                    | No                        |
| 137                                 | 2, 10                           | 3-4                    | ZSF           | Intermittent               | Yes                    | No                        |
| 138                                 | 2                               | 3-3                    | ZSG           | Perennial                  | Yes                    | No                        |
| 139                                 | 1                               | 3-1                    | ZSH           | Perennial                  | Yes                    | Yes                       |
| 140                                 | 7                               | 3-9                    | ZSJ           | Tributary                  | No                     | No                        |
| 141                                 | 3                               | 3-21                   | ZSK           | Perennial                  | Yes                    | No                        |
| 142                                 | 3                               | 3-21                   | ZSL           | Perennial                  | Yes                    | No                        |
| 143                                 | 6, 7, 8                         | 3-8                    | ZSM           | Intermittent               | Yes                    | No                        |
| 144                                 | 8                               | 3-7                    | ZDITCH1       | Tributary                  | No                     | No                        |
| 145                                 | 8                               | 3-7                    | ZDITCH2       | Tributary                  | No                     | No                        |
| 146                                 | 8                               | 3-7                    | ZDITCH3       | Tributary                  | No                     | No                        |
| 147                                 | 8                               | 3-7                    | ZDITCH4       | Tributary                  | No                     | No                        |
| 148                                 | 8                               | 3-7                    | ZDITCH5       | Tributary                  | No                     | No                        |
| 149                                 | 8                               | 3-8                    | ZTRIB1        | Tributary                  | No                     | No                        |
| 150                                 | 8                               | 3-13                   | ZTRIB2        | Tributary                  | No                     | Yes                       |

\* Features labeled as "Tributaries" were classified as ditches and/or rated ephemeral; therefore no mitigation is required by the DWQ. This term was retained to be consistent with the JD package.

In addition to the drainage features listed above, the following isolated wetlands were also identified:

| ISOLATED WETLANDS TABLE |                      |                  |         |                         |
|-------------------------|----------------------|------------------|---------|-------------------------|
| NUMBE                   | ATTACHED FEATURE MAP | JD PACKET FIGURE | FEATURE | DELINEATED SIZE (acres) |
| 1                       | 9                    | 6                | EWP     | 0.39                    |
| 2                       | 9                    | 6                | EWQ     | 0.07                    |
| 3                       | 9                    | 6                | EWR     | 0.44                    |
| 4                       | 9                    | 6                | EWS     | 0.13                    |
| 5                       | 5                    | 18               | HWH     | 0.15                    |
| 6                       | 5                    | 18               | HWH1    | 0.09                    |
| 7                       | 5                    | 18               | HWH2    | 0.03                    |
| 8                       | 5                    | 18               | HWH3    | 0.07                    |
| 9                       | 5                    | 18               | HWH4    | 0.02                    |
| 10                      | 5                    | 18               | HWH5    | 0.23                    |
| 11                      | 5                    | 18               | HWH6    | 0.10                    |
| 12                      | 5                    | 18               | HWI     | 0.02                    |
| 13                      | 5                    | 23               | HWJ     | 0.03                    |
| 14                      | 5                    | 23               | HWK     | 1.05                    |
| 15                      | 5                    | 23               | HWL     | 0.32                    |
| 16                      | 5                    | 23               | HWL1    | 0.06                    |
| 17                      | 5                    | 23               | HWP     | 0.26                    |
| 18                      | 6, 8                 | 14               | LWH     | 0.20                    |
| 19                      | 6, 8                 | 14               | LWJA    | 0.16                    |
| 20                      | 7                    | 9                | NWN     | 1.64                    |
| 21                      | 9                    | 5                | ZWK     | 0.08                    |
| 22                      | 9                    | 6                | ZWM     | 0.04                    |
| 23                      | 1                    | 2                | ZWY     | 0.08                    |





Legend

-  Study Area
-  Field Delineated Stream
-  Isolated Wetland



Please note that sites identified in the jurisdiction verification request package but not reviewed on site by NCDWQ will be considered accurate as presented.

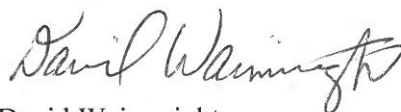
This letter only addresses the applicability to the mitigation rules and does not approve any activity within Waters of the United States or Waters of the State. Any impacts to wetlands or streams must comply with 404/401 regulations, water supply regulations (15A NCAC 2B .0216), and any other required federal, state and local regulations.

The owner (or future owners) or permittee should notify NCDWQ (and other relevant agencies) of this decision in any future correspondences concerning this property and/or project. This on-site determination shall expire five (5) years from the date of this letter.

Landowners or affected parties that dispute a determination made by NCDWQ or Delegated Local Authority that a surface water exists and that it is subject to the mitigation rules may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o Brian Wrenn, NCDWQ Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, NC 27699-1650. Individuals that dispute a determination by NCDWQ or Delegated Local Authority that "exempts" a surface water from the mitigation rules may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected party (including downstream and adjacent landowners) is notified of this decision. NCDWQ recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This determination is final and binding unless you ask for a hearing within 60 days.

If you have any additional questions or require additional information please contact David Wainwright at (919)715-3415 or David.Wainwright@ncdenr.gov.

Sincerely,



David Wainwright  
DWQ, Transportation Permitting Unit

Attachments: Signed and Dated Feature Map Pages 1-10

cc: Brad Shaver, US Army Corps of Engineers – Wilmington Regulatory Field Office  
Jay McInnis, NCDOT, Project Development  
Mason Herndon, NCDWQ Fayetteville Regional Office  
File Copy

12:41

PDS  
NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

9103952684

F.02/03

STATE NUMBER: 06-E-4220-0107

F02

DATE RECEIVED: 10/10/2005

AGENCY RESPONSE: 11/07/2005

REVIEW CLOSED: 11/10/2005

CLEARINGHOUSE COORD REGION O  
CAPE FEAR COG  
1480 HARBOUR DRIVE  
WILMINGTON NC

REVIEW DISTRIBUTION

CAPE FEAR COG  
CC&PS - DEM, NFIP  
DEHNR - COASTAL MGT  
DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CUL RESOURCES  
DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: Military cutoff extension from US 17 (Market Street) to the proposed I-14C in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☐ NO COMMENT

☒ COMMENTS ATTACHED

SIGNED BY:

DATE:

*Mik F*  
*10/10/05*

PDS  
NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 06-E-4220-0107

F02

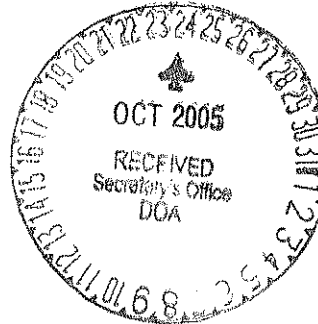
DATE RECEIVED: 10/10/2005

AGENCY RESPONSE: 11/07/2005

REVIEW CLOSED: 11/10/2005

CLEARINGHOUSE COORD REGION O  
CAPE FEAR COG  
1480 HARBOUR DRIVE  
WILMINGTON NC

REVIEW DISTRIBUTION  
CAPE FEAR COG  
CC&PS - DEM, NFIP  
DEHNR - COASTAL MGT  
DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CUL RESOURCES  
DEPT OF TRANSPORTATION



## PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation

TYPE: National Environmental Policy Act

ERD: Scoping

DESC: Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919) 807-2425.

---

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☒ NO COMMENT☐ COMMENTS ATTACHEDSIGNED BY: DATE: 10/20/05



# NEW HANOVER COUNTY

Engineering Department / Water and Sewer District  
230 Market Place Drive • Suite 160  
Wilmington, North Carolina 28403  
Telephone (910) 798-7139  
Fax (910) 798-7051

Gregory R. Thompson, P.E., P.L.S.  
County Engineer  
James S. Craig, P.E.  
Deputy County Engineer

RECEIVED  
DIVISION ENGINEER  
THIRD DIVISION

JUL 20 2005

July 18, 2005

|            |       |             |       |
|------------|-------|-------------|-------|
| Const.     | _____ | Maint.      | _____ |
| Op. Mgr.   | _____ | Plng. Tech. | _____ |
| Bus. Ofc.  | _____ | Eng. Supr.  | _____ |
| Proj. Mgr. | _____ |             | _____ |
| Others     | _____ |             | _____ |

Division of Highways

H. Allen Pope, P.E.  
Division Engineer  
Highway Division 3  
North Carolina Department of Transportation  
124 Division Drive  
Wilmington, North Carolina 28401

RE: Alignment of Proposed Military Cutoff Road Extension at New Hanover County Well Field and Water Treatment Plant Site.

Dear Mr. Pope:

New Hanover County developed a well field and is in design phase of a water treatment plant at County owned property in Ogden adjacent to Diane Drive (parcel R03600-003-187-000). Currently, there are two new wells on the property and contract award is pending to connect the wells to our water system by construction of a 16-inch water line. One of these wells now appears to be in the path of the proposed corridor of the Military Cutoff Road Extension.

The well construction contract cost was \$45,000 in 2004 (not including mobilization, connection and associated improvement costs). Ali Kouchehi, NCDOT Utilities Engineer Design Services Unit and Greg Stevens, P.E. NCDOT Utilities Squad Leader Project Services Unit previously indicated that it might be possible to adjust the alignment to miss the 100 foot radius wellhead protection zone around the well. Given recent information regarding the proposed road alignment and corridor width, the well will need to be properly abandoned and replaced prior to road construction under the NC DOT Military Road Extension Project.

Additional conflicts with New Hanover County and Sewer District utility assets (water and sewer lines, etc.) are anticipated given the scope of the Road Extension project. Please forward this letter to the appropriate authorities in NC DOT so that

funds will be programmed and available to offset the cost of restoring all New Hanover County Water and Sewer District assets impacted by the project.

Thank you for your cooperation in this matter. I can be reached for questions at (910 798-7079).

Sincerely,

A handwritten signature in black ink, appearing to read 'GD McSmith', written over the printed name.

Gary D. McSmith, P.E.  
Project Engineer  
New Hanover County

cc: Greg Thompson, P.E.  
Greg Stevens, P.E., NC DOT Utilities Squad Leader  
Ali Koucheqi, NC DOT, Design Services Unit





## NEW HANOVER COUNTY

Engineering Department / Water and Sewer District  
230 Market Place Drive • Suite 160  
Wilmington, North Carolina 28403  
Telephone (910) 798-7139  
Fax (910) 798-7051

Gregory R. Thompson, P.E., P.L.S.  
*County Engineer*  
James S. Craig, P.E.  
*Deputy County Engineer*

October 18, 2005

Jay McInnis, P.E.  
Project Development Unit Head  
1548 Mail Service Center  
North Carolina Department of Transportation  
Raleigh, North Carolina 27699-1548

**RE: Access (limited) from Military Cutoff Road Extension to New Hanover County Well Field and Water Treatment Plant Site. (NCDOT U-4751, NHC Project #185.1)**

Dear Mr. McInnis:

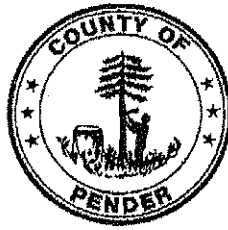
Thank you for providing input during our telephone discussion today regarding direct access from the future Military Cutoff Road Extension to the New Hanover County well field and water treatment plant site. The Military Cutoff Road Extension corridor crosses the northwest portion of this County-owned property (parcel R03600-003-187-000). As we discussed, limited access (right in, right out) would be beneficial to the water treatment plant project. This arrangement would also meet the intent of the highway project because it would relieve U.S. 17 (Market Street) from plant related delivery and service traffic.

New Hanover County respects the public review process for the Military Cutoff Road Extension. We understand that your conceptual agreement to provide limited access to the plant site is contingent upon any changes to the project necessitated by this upcoming public comment period. Thank you for your cooperation in this matter. I can be reached at (910) 798-7079.

Sincerely,

Gary D. McSmith, P.E.  
Chief Project Engineer  
New Hanover County

cc: William Castor, New Hanover County Commissioner  
Greg Thompson, P.E., New Hanover County Engineer  
Allen Pope, P.E., NC DOT Division Engineer  
Dan Dawson, P.E., W. K. Dickson



**RESOLUTION  
IN SUPPORT OF THE HIGHWAY 17 HAMPSTEAD BYPASS PROJECT**

**WHEREAS**, Pender County has been reported as the 85<sup>th</sup> fastest growing county in the nation and the 6<sup>th</sup> fastest growing county in North Carolina; and

**WHEREAS**, the population of Pender County increased by 42% from 1990 to 2000, and projections are for the increase in the next decade to exceed another 50%.

**WHEREAS**, the a vast majority of County's growth has occurred in the Hampstead area, where over 60% of the County's building permits were issued in 2006; and

**WHEREAS**, The N.C. Department of Transportation has proposed 19 alternate routes for this highway bypass project, 17 of which pass through Pender County; and

**WHEREAS**, the County has limited resources available to prevent development in and to preserve any of the designated alternate routes; and


**WHEREAS**, this Board of Commissioners does not believe, based on the volume of subdivision applications, rezoning requests and special use permit applications pending for the Hampstead area, that the County can responsibly preserve this area from development for the next two (2) years.

**NOW, THEREFORE, BE IT RESOLVED** that the Pender County Board of Commissioners urges the North Carolina Department of Transportation to work with the residents of the County and to hasten the selection process of the Hampstead Bypass Corridor, while ensuring this project receives adequate funding as a priority improvement.

**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Pender County.

Adopted this the 7th day of May, 2007

  
F.D. Rivenbark, Chairman

  
Lori A. Brill, Clerk to the Board



**RESOLUTION  
REGARDING THE STATE TRANSPORTATION IMPROVEMENT  
PROGRAM**

**WHEREAS**, Pender County has been reported as the 85<sup>th</sup> fastest growing county in the nation and the 6<sup>th</sup> fastest growing county in North Carolina; and

**WHEREAS**, the population of Pender County increased by 42% from 1990 to 2000, and projections are for the increase in the next decade to exceed another 50%.

**WHEREAS**, the a vast majority of County's growth has occurred in the Hampstead area, where over 60% of the County's building permits were issued in 2006; and

**WHEREAS**, the Department of Transportation is currently accepting comments on the Draft 2009-2015 State Transportation Improvement Program (TIP); and

**WHEREAS**, the Draft STIP does not add any additional projects for Pender County, but the existing 2007-2013 STIP currently includes the Hampstead Bypass project; a project that has clearly become increasingly important due to traffic congestion, which creates a public safety concern; and

**WHEREAS**, the public safety concerns and traffic volume will continue to increase with the opening of the new Topsail High School, the addition of another elementary school, and the construction of numerous housing developments whose residents will rely on Highway 17 as their primary transportation corridor; and

**WHEREAS**, Highway 17 is a major transportation and economic corridor for Eastern Carolina from the South Carolina border to Virginia; and

**NOW, THEREFORE, BE IT RESOLVED** that the Pender County Board of Commissioners urges the North Carolina Department of Transportation to 1) fully fund and accelerate the Hampstead Bypass project; 2) Fund a study of the Highway 17 Corridor; and 3) explore alternatives to improve safety before the bypass can be constructed other than the 6-laning of Highway 17.

**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Pender County.

Adopted this the 22nd day of January, 2008

J. David Williams, Chairman

Lori A. Brill, Clerk to the Board

46032 8-3-05  
ts

RECEIVED

JUL 19 2005



Development Services  
Engineering  
305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810

910 341-7807  
910 341-5881 fax  
wilmingtonnc.gov  
Dial 711 TTY/Voice



N.C. DEPT. OF TRANSPORTATION  
OFFICE OF THE SECRETARY

RECEIVED  
AUG 02 2005

July 15, 2005

Mr. Lyndo Tippet  
Secretary of Transportation  
North Carolina Department of Transportation  
1501 Mail Service Center  
Raleigh, NC 27699-1501

Re: Transportation Corridor Official Map for Military Cutoff Road Extension

Dear Mr. Tippet:

The City of Wilmington entered into a municipal agreement with the North Carolina Department of Transportation to prepare and file the **Transportation Corridor Official Map** for the proposed extension of **Military Cutoff Road from Market Street to the proposed I-140/US17 Bypass**. The New Hanover County Commissioners voted to approve the City preparing and filing the map at their February 7, 2005 meeting. The City entered into a contract with The LPA Group of North Carolina to prepare the map shortly after this approval.

The map has been prepared and a public hearing has been scheduled for August 2, 2005 at the City Council's regularly scheduled meeting. The meeting begins at 6:30 PM in the City Council Chamber, City Hall, 102 N. Third Street. The public hearing is being advertised in the Star News (the local paper) and letters are being mailed to affected property owners informing them of the public hearing. In addition, a copy of the map has been posted at the door of the New Hanover County Court House in accordance with the North Carolina General Statutes. I am enclosing a reduced size copy of the map for you information.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "William C. Penny".

William C. Penny, PE  
City Engineer

CC: Lanny Wilson  
Allen H. Pope, PE



**WILMINGTON URBAN AREA  
Metropolitan Planning Organization**

P.O. Box 1810  
Wilmington, North Carolina 28402  
910 341 3258 910 341 7801 FAX

**Members:**

October 18, 2005

City of  
WILMINGTON  
Lead Planning Agency

Ms. Beverly Robinson  
North Carolina Department of Transportation  
Project Development and Environmental Analysis Branch  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Town of  
CAROLINA BEACH

Town of  
KURE BEACH

**Subject: Military Cutoff Road Extension (U-4751) and Hampstead Bypass (R-3300)**

Town of  
WRIGHTSVILLE BEACH

NEW HANOVER  
County

The North Carolina Department of Transportation Project Development and Environmental Analysis Branch is working to assemble comments for the proposed Military Cutoff Extension (U-4751) and Hampstead Bypass (R-3300) projects located in New Hanover and Pender Counties.

Town of  
BELVILLE

Town of  
LELAND

Although no permits will be required from the Wilmington Metropolitan Planning Organization, the proposed Military Cutoff Extension project and a portion of the Hampstead Bypass project are located within the Wilmington MPO's planning area boundary. Additionally, the Wilmington MPO is exploring the option of expanding the current boundary to encompass the entire Hampstead Bypass and unincorporated area of Hampstead. For these reasons, I would like to participate in the scoping meeting and environmental review process for the Military Cutoff Extension and Hampstead Bypass projects.

Town of  
NAVASSA

BRUNSWICK  
County

North Carolina  
BOARD OF  
TRANSPORTATION

If you have any questions, please contact me via e-mail at [mike.kozlosky@wilmingtonnc.gov](mailto:mike.kozlosky@wilmingtonnc.gov) or by phone at (910) 342-2781.

Sincerely,

  
Mike Kozlosky  
Sr. Transportation Planner





## WILMINGTON URBAN AREA Metropolitan Planning Organization

P.O. Box 1810  
Wilmington, North Carolina 28402  
910 341 3258 910 341 7801 FAX

February 28, 2007

### Members:

City of  
WILMINGTON  
Lead Planning Agency

Town of  
CAROLINA BEACH

Town of  
KURE BEACH

Town of  
WRIGHTSVILLE BEACH

NEW HANOVER  
County

Town of  
BELVILLE

Town of  
LELAND

Town of  
NAVASSA

BRUNSWICK  
County

PENDER  
County

CAPE FEAR  
Public Transportation  
Authority

North Carolina  
BOARD OF  
TRANSPORTATION

Mr. Rob Hanson  
North Carolina Department of Transportation  
Project Development and Environmental Analysis Branch  
1548 Mail Service Center  
Raleigh, NC 27699-1548

**Re: Request for a multi-use path as part of the Military Cutoff Road Extension (U-4751) project**

Dear Mr. Hanson:

The Military Cutoff Extension is currently programmed in the State Transportation Improvement Program (STIP) for *Planning and Environmental Analysis* with funding for right-of-way acquisition in fiscal year 2012 and construction in post year. Military Cutoff Road extension is identified as a "recommended boulevard" on Governor Easley's and the North Carolina Department of Transportation's (NCDOT's) Strategic Highway Corridor's Initiative and is important to the future mobility of the region.

As part of the Military Cutoff Road widening project (U-2734) that is currently under construction, NCDOT will construct a multi-use path within the existing right-of-way. A goal of the 2030 Long Range Transportation Plan is to provide "a continuous and direct system of regional bicycle facilities within the Greater Wilmington Urban Area." The MPO's Transportation Advisory Committee endorsed staff to request the "East Coast Greenway Coastal Corridor" designation on Military Cutoff Road between Wrightsville Avenue and Market Street. The construction of a multi-use path along Military Cutoff Road extension would provide for a continuous and direct regional bicycle facility, could potentially be designated as part of the East Coast NC Greenway Coastal Corridor and would provide an important future connection between the cities of Wilmington and Jacksonville.

The Wilmington MPO requests that the NCDOT Planning, Development and Environmental Analysis Branch consider the construction of a multi-use path as part of the Military Cutoff Road extension project (U-4751). If you have any questions regarding this request or require any additional information, please contact me via e-mail at [mike.kozlosky@wilmingtonnc.gov](mailto:mike.kozlosky@wilmingtonnc.gov) or call me at (910) 342-2781.

Sincerely,

Mike Kozlosky  
Senior Transportation Planner

cc: Lanny Wilson, TAC Chairman, Wilmington MPO  
Allen Pope, Division Engineer, NCDOT

## **APPENDIX C**

### **NEPA/SECTION 404 CONCURRENCE FORMS**

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## SECTION 404/NEPA INTERAGENCY AGREEMENT


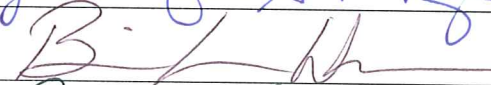


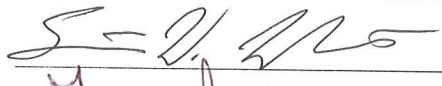
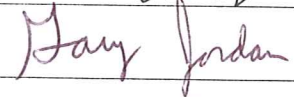
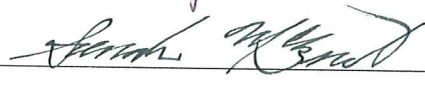
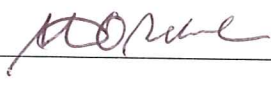
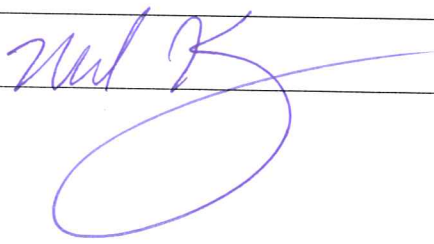
### CONCURRENCE POINT NO. 1 PURPOSE AND NEED

**PROJECT TITLE:** US 17 Corridor Study, New Hanover and Pender Counties, TIP Nos. U-4751 and R-3300, State Project No. 40191.1.1.

**PURPOSE AND NEED OF THE PROPOSED ACTION:** The purpose of the project is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project area.

**STUDY AREA:** The proposed study area is located within portions of northern New Hanover County and southern Pender County. It is roughly bounded on west by I-40, on the north by the Northeast Cape Fear River, Holly Shelter Gamelands to the east, and US 17 to the south.

The project team has concurred with the purpose and need for the proposed project as described above.

| <u>NAME</u>   | <u>AGENCY</u>    | <u>DATE</u>   |
|---|------------------|---------------|
|  | USACE            | 21 Sept. 2006 |
|  | NCDWQ            | 9/21/2006     |
|  | NCDOT            | 9-21-06       |
|  | USEPA            | 9/21/06       |
|  | NCWRC            | 9-21-06       |
|  | USFWS            | 9/21/2006     |
|  | NCSHPO           | 9-21-06       |
|  | NCDCM            | 9/21/06       |
|   | <del>NCDMF</del> |               |
|  | WMPO             | 9/21/06       |

**SECTION 404/NEPA INTERAGENCY AGREEMENT**  
**CONCURRENCE POINT NO. 2**  
**DETAILED STUDY ALTERNATIVES CARRIED FORWARD**

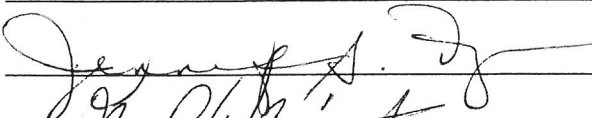
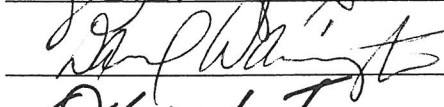
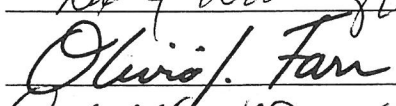
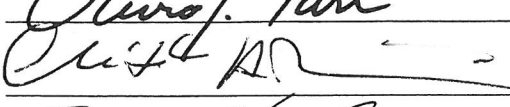
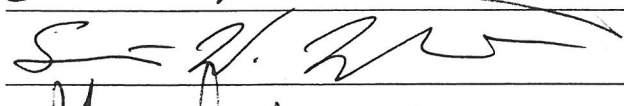
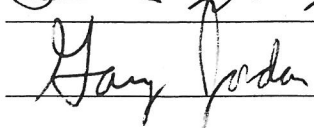
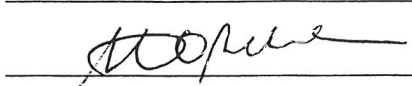
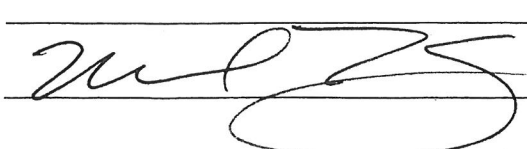
**PROJECT TITLE:** US 17 Corridor Study, New Hanover and Pender Counties, TIP Nos. U-4751 (Hampstead Bypass) and R-3300 (Military Cutoff Road Extension), State Project No. 40191.1.1.

**PURPOSE AND NEED OF THE PROPOSED ACTION:** The purpose of the US 17 Corridor Study is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project area.

**ALTERNATIVES TO STUDY IN DETAIL:**

- |                      |   |  |                   |   |                             |
|----------------------|---|--|-------------------|---|-----------------------------|
| 1. Combined Alt. D-G | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 11. Alternative P | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Combined Alt. E-H | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 12. Alternative Q | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Combined Alt. F-I | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 13. Alternative R | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Alternative G     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 14. Alternative S | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Alternative H     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 15. Alternative U | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Alternative I     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Alternative Z | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Alternative M1    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 17. _____         | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| 8. Alternative M2    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 18. _____         | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| 9. Alternative N     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 19. _____         | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| 10. Alternative O    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 20. _____         | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |

The project team has concurred with the alternatives to be carried forward for the proposed project as indicated above. Segments B and C west of NC 210 were combined into one Segment, resulting in the combination of Alternatives D and G, E and H, and F and I. Segment H was revised to connect between Segments E and B/C south of the New Hanover County line.

| <u>NAME</u>   | <u>AGENCY</u> | <u>DATE</u> |
|---|---------------|-------------|
|  | USACE         | 8/23/07     |
|  | NCDWQ         | 8/23/07     |
|  | NCDOT         | 8-23-07     |
|  | USEPA         | 8/23/07     |
|  | NCWRC         | 8-23-07     |
|  | USFWS         | 8/23/2007   |
|   | NCSHPO        |             |
|  | NCDCM         | 8/23/07     |
|   | NCDMF         |             |
|  | WMPO          | 8/23/07     |



**SECTION 404/NEPA INTERAGENCY AGREEMENT  
CONCURRENCE POINT NO. 2  
DETAILED STUDY ALTERNATIVES CARRIED FORWARD**

**PROJECT TITLE:** US 17 Corridor Study, New Hanover and Pender Counties, TIP Nos. U-4751 (Hampstead Bypass) and R-3300 (Military Cutoff Road Extension), State Project No. 40191.1.1.

**PURPOSE AND NEED OF THE PROPOSED ACTION:** The purpose of the US 17 Corridor Study is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project area.

**ALTERNATIVES TO STUDY IN DETAIL:**

- |                    |   |                    |   |
|--------------------|---|--------------------|---|
| 1. Alternative D-G | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 8. Alternative R   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Alternative E-H | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 9. Alternative S   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Alternative F-I | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10. Alternative U  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Alternative N   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 11. Alternative Z  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Alternative O   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 12. Alternative M1 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Alternative P   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Alternative M2 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Alternative Q   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                    |   |

The project team has concurred with the alternatives to be carried forward for the proposed project as indicated above. This Concurrence Point 2 form supersedes the Concurrence Point 2 form signed on August 23, 2007.

| NAME                          | AGENCY | DATE      |
|-------------------------------|--------|-----------|
| <i>Brad Elmore</i>            | USACE  | 4/29/10   |
| <i>Clinton A. [Signature]</i> | USEPA  | 4/20/10   |
| <i>Harry Jordan</i>           | USFWS  | 4/26/2010 |
| <i>Ron Seidler</i>            | NMF    | 6/22/10   |
| <i>[Signature]</i>            | NCDCM  | 6/22/10   |
| <i>Renee Hedrick-Earley</i>   | NCSHPO | 4/29/10   |
| <i>Jessi O'Neal</i>           | NCDMF  | 5/26/10   |
| <i>[Signature]</i>            | NCDWQ  | 4/20/10   |
| <i>[Signature]</i>            | NCWRC  | 4-20-10   |
| <i>Christi, Fan</i>           | NCDOT  | 4-20-2010 |
| <i>[Signature]</i>            | WMPO   | 4/20/10   |

**SECTION 404/NEPA INTERAGENCY AGREEMENT**  
**CONCURRENCE POINT NO. 2A**  
**BRIDGING AND ALIGNMENT REVIEW**

**PROJECT TITLE:** US 17 Corridor Study, New Hanover and Pender Counties, TIP Nos. U-4751 (Military Cutoff Road Extension) and R-3300 (Hampstead Bypass), State Project No. 40191.1.1.

**PURPOSE AND NEED OF THE PROPOSED ACTION:** The purpose of the US 17 Corridor Study is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project area.

**HYDRAULIC RECOMMENDATIONS:**

| <u>Site No.</u> | <u>Stream Name (I.D.)/Wetland I.D.</u>   | <u>Wetland I.D.</u> | <u>Hydraulic Structure</u>  |
|-----------------|--|---------------------|---|
| 1               | UT Futch Creek (ZSB)                     | EWf                 | Retain & extend existing 1@12'x8'                                   |
| 2               | ---                                      | KWD                 | 1@9'x8' RCBC  |
| 3               | UT Smith Creek (BSP)                     | BWI                 | 2@7'x12' RCBC   |
| 4               | ---                                      | DWC                 | 1@9'x8' RCBC  |
| 5               | ---                                      | GWA                 | 3@12'x7' RCBC   |
| 6               | UT Island Creek (ISA, ISB)               | IWN                 | Minimum Hydraulic Bridge  |
| 7               | UT Harrison's Creek (ISD)                | IWF                 | 3@11'x8' RCBC   |
| 8               | Harrison's Creek (LSC, LSCC, LSCF)       | LWD                 | Dual 565' long bridges <sup>Minimum Hydraulic Pipe or Culvert</sup> |
| 10              | UT Island Creek (CSA, FSA)               | ---                 | 1@12'x11' RCBC <sup>Minimum Hydraulic Pipe or Culvert</sup>         |
| 11              | UT Island Creek (FSH, FSI)               | ---                 | 1@12'x9' RCBC   |
| 15              | Island Creek, UT Island Cr. (HBSF, HBSH) | HBWK                | Minimum Hydraulic Bridge  |
| 16              | UT Island Creek (HBSD2)                  | HBWD                | Dual 200' long bridges  |
| 17              | UT Harrison's Creek (HSX)                | HWB                 | 3@10'x9' RCBC   |
| 21              | UT Island Creek (FSA)                    | FWB                 | 2@11'x9' RCBC   |
| 22              | UT Island Creek (FSE)                    | FWC                 | 2@12'x7' RCBC   |
| 23              | Godfrey Creek (LSD)                      | LWI                 | 2@ 9'x7' RCBC   |
| 25              | UT Island Creek (HBSC)                   | HBWF                | 1@9'x8' RCBC  |

The project team has concurred on the major hydraulic structures and sizes for the proposed project as listed above.

| <u>NAME</u>                 | <u>AGENCY</u> | <u>DATE</u> |
|-----------------------------|---------------|-------------|
| <i>Brad H. Hare</i>         | USACE         | 5/27/10     |
| <i>Clark D.R.</i>           | USEPA         | 5/27/10     |
| <i>Gary Jordan</i>          | USFWS         | 5/27/2010   |
|                             | NMIF          |             |
| <i>Mark C.</i>              | NCDCM         | 6/22/10     |
| <i>Patricia M. O'Reilly</i> | NCSHPO        | 6/22/10     |
| <i>Jessi O'Neal</i>         | NCDMIF        | 6/24/10     |
| <i>David Wainwright</i>     | NCDWQ         | 5/27/10     |
| <i>Steve R. R.</i>          | NCWRC         | 5-27-2010   |
| <i>Olivia Tan</i>           | NCDOT         | 5-27-2010   |
| <i>me</i>                   | WAPO          | 7/8/10      |

# SECTION 404/NEPA INTERAGENCY AGREEMENT

## CONCURRENCE POINT NO. 3 LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA)

### PROJECT TITLE AND PROJECT NUMBERS:

Proposed SR 1409 (Military Cutoff Road) Extension and Proposed US 17 Hampstead Bypass, New Hanover and Pender Counties

TIP Nos. U-4751 (Military Cutoff Road Extension) and R-3300 (Hampstead Bypass)  
State Project No. 40191.1.2, Corps Action ID 2007 1386

### PURPOSE AND NEED OF THE PROPOSED ACTION:

The purpose of the US 17 Corridor Study is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project area.

### LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA):

- |                       |   |  |                     |                              |  |
|-----------------------|---|--|---------------------|------------------------------|--|
| 1. Alternative M1+E-H | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 4. Alternative M1+U | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Alternative M2+O   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Alternative M2+U | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Alternative M1+R   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                     |                              |  |

The project team has concurred on the LEDPA for the proposed project as listed above.

| NAME                               | AGENCY | DATE      |
|------------------------------------|--------|-----------|
| <i>Brad Edwards</i>                | USACE  | 5-17-2012 |
|                                    | USEPA  |           |
| <i>Fany Jordan</i>                 | USFWS  | 5/17/2012 |
| <i>Tracy White for Ron Seckler</i> | NMF    | 6/8/2012  |
| <i>Michael</i>                     | NCDCM  | 5/17/12   |
| <i>Renee Bleckhill-Early</i>       | NCSHPO | 5-17-12   |
|                                    | NCDMF  |           |
| <i>David King</i>                  | NCDWQ  | 5-17-12   |
| <i>Steve R. R.</i>                 | NCWRC  | 5-17-2012 |
| <i>Allynn Kim Gillespie</i>        | NCIDOT | 5/17/2012 |
| <i>Mark J.</i>                     | WMPO   | 5/17/12   |

# SECTION 404/NEPA INTERAGENCY AGREEMENT

## CONCURRENCE POINT NO. 3 LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA)

### PROJECT TITLE AND PROJECT NUMBERS:

Proposed SR 1409 (Military Cutoff Road) Extension and Proposed US 17 Hampstead Bypass, New Hanover and Pender Counties

TIP Nos. U-4751 (Military Cutoff Road Extension) and R-3300 (Hampstead Bypass)  
State Project No. 40191.1.2, Corps Action ID 2007 1386

### PURPOSE AND NEED OF THE PROPOSED ACTION:

The purpose of the US 17 Corridor Study is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project area.

### LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA):

- |                       |   |  |                     |                              |  |
|-----------------------|---|--|---------------------|------------------------------|--|
| 1. Alternative M1+E-H | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 4. Alternative M1+U | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Alternative M2+O   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Alternative M2+U | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Alternative M1+R   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                     |                              |  |

The project team has concurred on the LEDPA for the proposed project as listed above.

| NAME                         | AGENCY | DATE      |
|------------------------------|--------|-----------|
| <i>Brad Edwards</i>          | USACE  | 5-17-2012 |
| SEE ATTACHED MEMO <i>CH</i>  | USEPA  | 6/6/12    |
| <i>Tony Jordan</i>           | USFWS  | 5/17/2012 |
|                              | NMF    |           |
| <i>Michael</i>               | NCDCM  | 5/17/12   |
| <i>Renee Bledhill-Easley</i> | NCSHPO | 5-17-12   |
| <i>Jessi Baker</i>           | NCDMF  | 5/29/12   |
| <i>David W. A.</i>           | NCDWQ  | 5-17-12   |
| <i>Steve R. R.</i>           | NCWRC  | 5-17-2012 |
| <i>Ally Kim Gillespie</i>    | NCDOT  | 5/17/2012 |
| <i>Paul K.</i>               | WMPO   | 5/17/12   |


June 6, 2012

**MEMORANDUM**

To: Brad E. Shaver, U.S. Army Corps of Engineers, Wilmington District  
David Wainwright, N.C. Division of Water Quality  
Jay McInnis, North Carolina Department of Transportation

Cc: NEPA/Section 404 Merger Team Agency Representatives  
Jeffrey Garnett, U.S.E.P.A. Water Division

THRU: Heinz J. Mueller, U.S.E.P.A. NEPA Program Office

From:  Christopher A. Militscher, U.S.E.P.A. Merger Team Representative

RE: U-4751/R-3300, Military Cutoff Road Extension/US 17 Hampstead Bypass, Pender and New Hanover Counties; Concurrence Point 3 – LEDPA

I have reviewed the Conceptual Mitigation Plan (CMP) dated June of 2012 by the North Carolina Department of Transportation (NCDOT) as was requested by the U.S.E.P.A. in its November 15, 2011, letter on the Draft Environmental Impact Statement (DEIS).

Based upon past NCDOT supplemental information regarding the Cape Fear Public Utilities Authority Wellhead Protection Area (CPFUA-WPA) and avoidance and minimization measures proposed by NCDOT, I conditionally concur with the selection of Alternative M1 for TIP Project No. U-4751 as the LEDPA. This concurrence is conditioned on final designs, final avoidance and minimization measures, and the identified environmental commitments made by NCDOT. Potential impacts to CFPWA current and future water supplies need be avoided in accordance with 33 CFR 320.4(m) and Section 101(g) of the Clean Water Act.

Based upon the CMP provided, the discussions during the CP 3 meeting held on May 17, 2012, and other environmental concerns identified by the U.S.E.P.A. in the November 15, 2011, letter, I abstain from concurring on Alternative E-H as the LEDPA for TIP Project No. R-3300. Based upon the CMP, stream mitigation sites are still “under construction” and there are no assurances that adequate credits to compensate for Alternative E-H stream impacts will be available at the time of permit applications. The CMP does not identify any other transportation project mitigation needs in the two HUCs. EPA will be requesting that final mitigation plans comply with the 2008 Federal Compensatory Mitigation Rule (33 CFR Parts 325 and 332 and 40 CFR Part 230).

I plan to continue participation in the NEPA/Section 404 Merger team process. Thank you.



## Section 404/NEPA Interagency Agreement

### Concurrence Point No. 4a Avoidance and Minimization

#### Project Title and Project Numbers:

Proposed SR 1409 (Military Cutoff Road) Extension, New Hanover County, TIP No. U-4751, State Project No. 40191.1.2, Corps Action ID 2007 1386

#### LEDPA/Recommended Alternative:

Military Cutoff Road Extension Alternative M1

#### Avoidance and Minimization:

Military Cutoff Road Extension Alternative M1 minimizes impacts to resources. However, it is not feasible for the proposed project to completely avoid impacts to the Waters of the US and still meet the purpose and need of the project. The following avoidance and minimization efforts have been incorporated into the proposed project:

#### Section 404 Avoidance and Minimization Measures

- 3:1 slopes are proposed in wetland areas and adjacent to streams.
- Loops and ramps in the Military Cutoff Road Extension interchange at Market Street were tightened, reducing wetland impacts by 0.89 acre [BWD -0.19 acre, ZWY -0.04 acre, PD-04 -0.66 acre]. Impacts to BDITCH1 were reduced by 1,911 square feet.
- A retaining wall was added on the west side of the proposed roadway south of Putnam Drive to avoid impacts to wetland PD-01 (-0.07 acre).
- Military Cutoff Road Extension north of Torchwood Boulevard was realigned in the vicinity of the Cape Fear Public Utility Authority's Nano Water Treatment Plant. Wetland impacts were reduced by 0.78 acre [BWI] and stream impacts were reduced by 677 feet [BSO -560 feet and BSP -117 feet].
- The U-turn bulb adjacent to wetland CWA just north of the Cape Fear Public Utility Authority property will be shifted southward out of Wetland CWA, reducing wetland impacts by 0.10 acre.
- The design was revised at the Military Cutoff Road Extension interchange with the US 17 Wilmington Bypass. The ramp in Quadrant D was pulled in, reducing wetland impacts by 1.16 acres [CWF -1.10 acres, DWC -0.06 acre]. Impacts to the Plantation Road Site were reduced by 0.02 acre and impacts to the Corbett Tract Residual Strip were reduced by 0.07 acre.

#### Additional Avoidance and Minimization

##### ***Wells***

- The original design of proposed Military Cutoff Road Extension Alternative M1 would have relocated two water supply wells operated by the Cape Fear Public Utility Authority (CFPUA).

These wells are located on the east side of the proposed roadway north of Torchwood Boulevard on the Nano Water Treatment Plant property. The alternative was realigned in this area to avoid these wells and minimize impacts to the CFPUA groundwater water supply infrastructure.

- Prior to the completion of the final environmental document for the project, NCDOT will meet with the CFPUA, local fire departments and other appropriate agencies to discuss additional protection measures for the wellhead protection area. Measures requiring NCDOT participation will be identified in the project commitments.
- NCDOT will coordinate with the CFPUA on the potential inclusion of a sign on Military Cutoff Road Extension identifying the water supply area.
- Well locations and a 100-foot buffer around the wells will be depicted on final constructions plans for Military Cutoff Road Extension. The Special Provisions within the final design plans will include a requirement for the contractor's to educate their employees that project construction is occurring within a wellhead protection area.
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### ***Water Quality and Erosion Control***

- Howe Creek is designated an Outstanding Resource Water (ORW) by the North Carolina Division of Water Quality (DWQ). Tributaries of this stream (BDITCH1) are designated ORW due to the classification of their receiving waters. Design Standards in Sensitive Watersheds will be implemented for BDITCH1 during project construction.

### ***Residential and Business Relocations***

- Control of access was reduced along Market Street both north and south of the Military Cutoff Road Extension interchange to minimize impacts to properties on Market Street. Loops and ramps in the interchange were tightened. A new relocation report and right of way cost estimate will be prepared and included in the FEIS. It is expected that the design modifications will result in eight fewer residential relocations and 33 fewer business relocations.
- The southeast quadrant (Loop D) of the Military Cutoff Road Extension and Market Street interchange was realigned to the west to minimize impacts to Covil Crossing, a residential area.
- Multiple interchange configurations were reviewed during the development of the Military Cutoff Road Extension alternatives. The current interchange design provides the capacity needed to handle the high volume of traffic and minimizes impacts to Prospect Cemetery.

### ***Historic Resources***

- Avoidance and minimization measures have been incorporated into the Alternative M1 design on Market Street at Mount Ararat AME Church. A southbound free flow ramp onto Military Cutoff Road Extension was changed from a full exit lane to an angular exit. In addition, the storage length for the right turn lane from Market Street onto Ogden Park Drive was reduced to match existing conditions. Right of way impacts to the proposed Mount Ararat AME Church historical boundary were reduced from 0.58 acre to 0.05 acre.

### ***Other***

- Wetland BWD is located at the proposed intersection of Military Cutoff Road Extension Interchange

Loop D and Gordon Road. The FEIS will include an explanation as to why the design cannot avoid impacts to wetland BWD.

- NCDOT will investigate on-site mitigation opportunities near wetland BWD. The currently undeveloped five-acre lots near the US 17 Wilmington Bypass will also be evaluated for use as potential mitigation sites.
- The design incorporates a retaining wall and guardrail to minimize impacts to stormwater ponds in the Food Lion shopping center, located on the west side of existing Military Cutoff Road just south of Market Street.
- The use of retaining walls will be evaluated at stormwater ponds BPE and BPF, which are located on the east side of Military Cutoff Road Extension between Lendire Road and Torchwood Boulevard.
- NCDOT will review the existing permit conditions for all stormwater ponds impacted by Military Cutoff Road Extension to ensure the permitted treatment requirements are met under post construction conditions.
- The FEIS will include an explanation as to why Military Cutoff Road Extension transitions from a 30-foot median to a 46-foot median within the wetland area north of Torchwood Boulevard. The FEIS will provide an estimate of the additional impacts associated with the use of the 46-foot median.
- NCDOT will further investigate ways to avoid impacts to the Corbett Tract and the Plantation Road Mitigation sites during detailed project design. If possible, no right of way will be acquired from these sites.

The project team has concurred on the Avoidance and Minimization for the proposed project as listed above.

| Name                           | Agency | Date      |
|--------------------------------|--------|-----------|
| BRAD SHAVER <i>Brad Shaver</i> | USACE  | 7/19/2012 |
|                                | USEPA  |           |
| Gary Jordan                    | USFWS  | 7/19/2012 |
|                                | NMF    |           |
| <i>Hooper</i>                  | NCDCM  | 7/19/12   |
| Renee Medkirk-Easley           | NCSHPO | 7-10-12   |
|                                | NCDMF  |           |
| <i>Paul Whiting</i>            | NCDWQ  | 7/19/12   |
| <i>St. L. Jr.</i>              | NCWRC  | 7-19-2012 |
| Kim L. Gillespie               | NCDOT  | 7/10/12   |
|                                | WMPO   |           |

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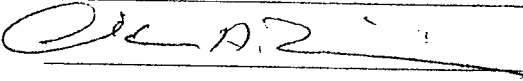
The project team has concurred on the Avoidance and Minimization for the proposed project as listed above.

| Name                              | Agency | Date   |
|-----------------------------------|--------|--------|
|                                   | USACE  |        |
|                                   | USEPA  |        |
|                                   | USFWS  |        |
| <i>Intg. Aide for Ken Seckler</i> | NMF    | 8/3/12 |
|                                   | NCDCM  |        |
|                                   | NCSHPO |        |
|                                   | NCDMF  |        |
|                                   | NCDWQ  |        |
|                                   | NCWRC  |        |
|                                   | NCDOT  |        |
|                                   | WMPO   |        |

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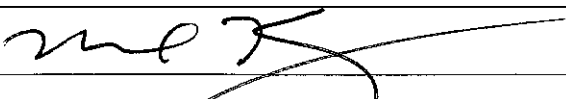
| Name  | Agency | Date   |
|---|--------|--------|
|   | USACE  |        |
|  | USEPA  | 8/6/12 |
|   | USFWS  |        |
|   | NMF    |        |
|   | NCDCM  |        |
|   | NCSHPO |        |
|   | NCDMF  |        |
|   | NCDWQ  |        |
|   | NCWRC  |        |
|   | NCDOT  |        |
|   | WMPO   |        |



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**The project team has concurred on the Avoidance and Minimization for the proposed project as listed above.**

| Name  | Agency | Date    |
|---|--------|---------|
|   | USACE  |         |
|   | USEPA  |         |
|   | USFWS  |         |
|   | NMF    |         |
|   | NCDCM  |         |
|   | NCSHPO |         |
|   | NCDMF  |         |
|   | NCDWQ  |         |
|   | NCWRC  |         |
|   | NCDOT  |         |
|  | WMPO   | 9/25/12 |

## Section 404/NEPA Interagency Agreement Concurrence Point No. 4a Avoidance and Minimization

### Project Title and Project Numbers:

Proposed US 17 Hampstead Bypass, New Hanover and Pender Counties, TIP No. R-3300, State Project No. 40191.1.2, Corps Action ID 2007 1386

### LEDPA/Recommended Alternative:

US 17 Hampstead Bypass Alternative E-H

### Avoidance and Minimization:

US 17 Hampstead Bypass Alternative E-H minimizes impacts to resources. However, it is not feasible for the proposed project to completely avoid impacts to the Waters of the US and still meet the purpose and need of the project. The following avoidance and minimization efforts have been incorporated into the proposed project:

### Section 404 Avoidance and Minimization Measures

- 3:1 slopes are proposed in wetland areas and adjacent to streams.
- US 17 Hampstead Bypass was realigned between Station 443+00 and Station 529+00 as it approaches and crosses Harrison Creek Road. Wetland impacts were reduced by 4.77 acres. Impacts to streams were reduced by 5.93 linear feet.
- US 17 Hampstead Bypass was realigned in the vicinity of the NC 210 interchange between Station 553+00 and Station 601+00. Wetland impacts were reduced by 0.78 acre and stream impacts were reduced by 258 linear feet.
- US 17 Hampstead Bypass was realigned in the vicinity of Holiday Drive between Station 650+00 and Station 714+00. Wetland impacts were reduced by 7.99 acres. However, the shift results in additional impacts to streams of 332 linear feet.

### Additional Avoidance and Minimization

#### ***Red-cockaded Woodpecker***

Prior to Concurrence Point 3, the proposed northern US 17 Hampstead Bypass interchange was moved from its location north of the Topsail School Complex to south of the schools to minimize impacts to red-cockaded woodpecker (RCW) foraging habitat. At the corridor public hearing, the public was opposed to the interchange location south of the schools because it limited thru-traffic on existing US 17 north of the schools. In response, a new local interchange is proposed north of the Topsail Schools Complex (Option 6TR). This additional interchange uses a reduced design to avoid affecting RCW foraging habitat. If RCW foraging habitat ceases to exist at the northern interchange at the time NCDOT applies for authorization from the Corps of Engineers to construct the project, the Department will revisit the original interchange design, known as Alternative E-H ORIG. As currently described,

Alternative E-H ORIG would further minimize wetland impacts compared to Alternative 6TR, which is NCDOT's preferred.

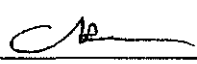
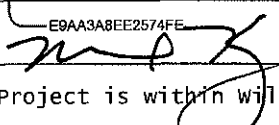
### ***Water Quality and Erosion Control***

- Old Topsail Creek and Nixons Creek are designated as Commercial Shellfishing, High Quality Waters (SA; HQW) by the North Carolina Division of Water Quality. Tributaries of these streams (NSA, NSF, NDITCH1 and ZTRIB1) are designated SA; HQW due to the classification of their receiving waters. Design Standards in Sensitive Watersheds will be implemented for NSA, NSF, NDITCH1 and ZTRIB1 during project construction.

### ***Community Impacts and Relocations***

- In response to public input and concerns over lack of access, an interchange has been added north of the Topsail Schools Complex to maintain access along existing US 17 (Option 6TR). This interchange will provide the access requested by the public. It uses reduced design criteria to minimize impacts to RCW habitat and the Topsail Schools Complex, and avoid a Pender County water tower. If RCW foraging habitat ceases to exist at the northern interchange at the time NCDOT applies for authorization from the Corps of Engineers to construct the project, the Department will revisit the original interchange design, known as Alternative E-H ORIG. As currently described, Alternative E-H ORIG would further minimize wetland impacts compared to Alternative 6TR, which is NCDOT's preferred.
- Control of access was reduced along the west side of existing US 17 near the project's northern terminus to minimize impacts to a business and a church. It is expected that design modifications will result in three fewer residential relocations, four fewer business relocations and one less non-profit relocation overall.

The project team has concurred on the Avoidance and Minimization for the proposed project as listed above.

| Name   | Agency | Date       |
|--|--------|------------|
| DocuSigned by:<br>Brad Shaver<br>66772C08D03340B...  | USACE  | 06/10/2013 |
| ABSTAIN <br>DocuSigned by:<br>Gary Jordan<br>501BAD677C42452... | USEPA  | 5/15/13    |
| DocuSigned by:<br>Fritz Rohde<br>7D10D31C923E4AC...  | USFWS  | 06/11/2013 |
| DocuSigned by:<br>Steve Sllod<br>D233D46D7248414...  | NMF    | 06/11/2013 |
| DocuSigned by:<br>Renee Gledhill-Earley<br>AC28D78C939248E...  | NCDPCM | 06/13/2013 |
| DocuSigned by:<br>Anne Deston<br>A4DFC086EECE412...  | NCSHPO | 06/11/2013 |
| DocuSigned by:<br>Mason Herndon<br>E795F318CA9F438...  | NCDMF  | 06/10/2013 |
| DocuSigned by:<br>Travis W. Wilson<br>31585D0B682E436...   | NCDWQ  | 06/10/2013 |
| DocuSigned by:<br>Kim Gillespie<br>E9AA3A8EE2574FE   | NCWRC  | 06/11/2013 |
|    | NCDOT  | 06/07/2013 |
|  | WMPO   | 6/13/13    |
| Project is within Wilmington MPO area, Cape Fear RPO does not need to sign.<br>Cape Fear RPO   |        |            |

**NEPA/Section 404 Merger Process**  
**Abstention Brief**

May 15, 2013

To: Jay McInnis, P.E., NCDOT Project Manager

THRU: Heinz J. Mueller, Chief, NEPA Program Office

Cc: Merger Project Team

From: Christopher A. Militscher, REM, CHMM, USEPA Merger Representative

1. Project Name and brief description: **US 17 Hampstead Bypass, R-3300 (and Military Cut-off Road Extension, U-4751), New Hanover and Pender Counties. Abstention from CP 4A, Avoidance and Minimization**
2. Last Concurrence Points (*signed*): **CP 4A for U-4751 on 8/8/12 and CP 3 for R-3300 on 5/17/12.**
3. Explain what is being proposed and your position including what you object to. **It is the EPA Merger Team representative's position that the NCDOT substantially revised the LEDPA following the CP 3 meeting (including the addition of a second interchange near the northern terminus and a 6-lane section) and since the issuance of the 9/11 DEIS. EPA does not believe that a substantial increase in impacts to jurisdictional wetlands and streams is justified without a full environmental analysis of all of the feasible alternatives previously considered during the CP 3 meeting for R-3300. As stated in NCDOT's e-mail of 4/29/13 and in the handout provided, the new LEDPA Alternative for R-3300 results in 4.35 acres and 750 linear feet of additional impacts to jurisdictional wetlands and streams, respectively. EPA notes that NCDOT reduced the increase in jurisdictional impacts by designing one interchange to be a smaller interchange than is typically desired.**
4. Explain the reasons for your potential non-concurrence. Please include any data or information that would substantiate and support your position. **The DEIS did not identify a second interchange for the northern terminus area. EPA also notes that the USACE has requested a commitment that NCDOT re-examine the very original northern interchange referred to as EH-ORIG based upon future ESA consultation for RCW foraging habitat.**

**A second interchange was not included in the original E-H corridor presented in the DEIS and it is anticipated that NCDOT will require additional right-of-way for this interchange not depicted in the DEIS. NCDOT and USACE now seek concurrence on avoidance and minimization for R-3300 without updating the DEIS or formally going**



back to an appropriate concurrence point (Please see Merger MOU page 2, Concept of Concurrence).

NCDOT has provided an analysis that now combines U-4751 with R-3300 for the purposes of documenting avoidance and minimization measures. The Merger team's acceptance of the 'savings' of 2.9 acres of wetlands and 677 linear feet of streams under CP 4A is now added to the additional impacts from the changed design resulting in a 'smaller loss'. Currently, the U-4751 and R-3300 LEDPAs combined result in a net increase of 1.45 acres of wetlands and 73 linear feet of streams. EPA does not dispute potential traffic conflicts with an interchange near Topsail High School. However, EPA believes that the 'need' for a 6-lane facility should have been addressed in the DEIS. The analysis provided did not address the wetland and stream impacts for Alternative U, only the residential and business relocations, impacted noise receptors, and cultural resource effects. Alternative U was not selected as the LEDPA and it should have been comprehensively compared to the revised E-H Alternative. Alternative U also potentially avoided impacts to RCW.

EPA does recognize that the new LEDPA for R-3300 avoids and minimizes impacts to 3 fewer residences, 4 fewer businesses and 1 less church than the original LEDPA that the Merger team concurred on for R-3300.

In total with U-4751, this proposed project results in 248.2 acres of wetland impacts, and 22,379 linear feet (4.2 miles) of stream impacts.

5. List any relevant laws or regulations that you believe would be violated or jeopardized if the proposed action were implemented and explain the basis for violation. Please attach a copy of the relevant portion of the law or regulation or provide an email address where the documents may be located. **CWA Section 404(b)(1) guidelines. See comments above and additional LEDPA information below. EPA has previously provided technical comments on the DEIS. <http://water.epa.gov/lawsregs/guidance/wetlands/mitigate.cfm>**  
*"Avoidance. Section 230.10(a) allows permit issuance for only the least environmentally damaging practicable alternative. The thrust of this section on alternatives is avoidance of impacts. Section 230.10(a) requires that no discharge shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact to the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."*
6. What alternative course of action do you recommend? **The transportation project sponsors NCDOT and USACE should formally re-evaluate the CP 3 LEDPA decision of revised Alternative E-H for R-3300. This abstention brief should be considered by NCDOT, USACE, and NCDWQ as a formal request to revisit a concurrence point under the Merger MOU. The NCDOT and USACE might also consider supplementing the DEIS to address the new LEDPA. Deferring these substantial design changes and substantial environmental impacts for disclosure in the FEIS is not recommended by the EPA Merger Team representative. Another alternative evaluated in the DEIS may now be the LEDPA.**

## **FYI: Additional Information on LEDPA DETERMINATION**

40 C.F.R. section 230.10(a), the basis for the LEDPA determination, states that, except as provided in CWA section 404(b)(2), a permit will not be issued "if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem. An aquatic ecosystem is an ecosystem located in a body of water. Communities of organisms that are dependent on each other and on their environment live in aquatic ecosystems. The two main types of aquatic ecosystems are marine ecosystems and freshwater ecosystems, so long as the alternative does not have other significant adverse environmental consequences. The LEDPA requirement is an attempt to avoid environmental impacts instead of mitigating for them. The Corps may only approve a project that is the LEDPA. The LEDPA involves two separate determinations; it must be both practicable and the least environmentally damaging. The LEDPA requirement's purpose is "avoiding significant impacts to the aquatic resources and not necessarily providing either the optimal project location or the highest and best property use."

**SECTION 404/NEPA INTERAGENCY AGREEMENT**

**CONCURRENCE POINT NO. 4A  
AVOIDANCE AND MINIMIZATION**

**PROJECT TITLE AND PROJECT NUMBERS:**

Proposed SR 1409 (Military Cutoff Road) Extension, New Hanover County, TIP No. U-4751, State Project No. 40191.1.2, Corps Action ID 2007 1386

**LEDPA/RECOMMENDED ALTERNATIVE:**

Military Cutoff Road Extension Alternative M1

**AVOIDANCE AND MINIMIZATION:**

Military Cutoff Road Extension Alternative M1 minimizes impacts to resources. However, it is not feasible for the proposed project to completely avoid impacts to the Waters of the US and still meet the purpose and need of the project. The following avoidance and minimization efforts have been incorporated into the proposed project:

**SECTION 404 AVOIDANCE AND MINIMIZATION MEASURES**

- 3:1 slopes are proposed in wetland areas and adjacent to streams.
- Loops and ramps in the Military Cutoff Road Extension interchange at Market Street were tightened, reducing wetland impacts by 0.89 acre [BWD -0.19 acre, ZWY -0.04 acre, PD-04 -0.66 acre]. Impacts to BDITCH1 were reduced by 1,911 square feet.
- A retaining wall was added on the west side of the proposed roadway south of Putnam Drive to avoid impacts to wetland PD-01 (-0.07 acre).
- Military Cutoff Road Extension north of Torchwood Boulevard was realigned in the vicinity of the Cape Fear Public Utility Authority's Nano Water Treatment Plant. Wetland impacts were reduced by 0.78 acre [BWI] and stream impacts were reduced by 677 feet [BSO -560 feet and BSP -117 feet].
- The U-turn bulb adjacent to wetland CWA just north of the Cape Fear Public Utility Authority property will be shifted southward out of Wetland CWA, reducing wetland impacts by 0.10 acre.
- The design was revised at the Military Cutoff Road Extension interchange with the US 17 Wilmington Bypass. The ramp in Quadrant D was pulled in, reducing wetland impacts by 1.16 acres [CWF -1.10 acres, DWC -0.06 acre]. Impacts to the Plantation Road Site were reduced by 0.02 acre and impacts to the Corbett Tract Residual Strip were reduced by 0.07 acre.

**ADDITIONAL AVOIDANCE AND MINIMIZATION**

***Wells***

- The original design of proposed Military Cutoff Road Extension Alternative M1 would have relocated two water supply wells operated by the Cape Fear Public Utility Authority (CFPUA). These wells are located on the east side of the proposed roadway north of Torchwood Boulevard on the Nano Water Treatment Plant property. The alternative was realigned in this area to avoid these wells and minimize impacts to the CFPUA groundwater water supply infrastructure.

- Prior to the completion of the final environmental document for the project, NCDOT will meet with the CFPUA, local fire departments and other appropriate agencies to discuss additional protection measures for the wellhead protection area. Measures requiring NCDOT participation will be identified in the project commitments.
- NCDOT will coordinate with the CFPUA on the potential inclusion of a sign on Military Cutoff Road Extension identifying the water supply area.
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- Howe Creek is designated an Outstanding Resource Water (ORW) by the North Carolina Division of Water Resources (DWR). Tributaries of this stream (BDITCH1) are designated ORW due to the classification of their receiving waters. Design Standards in Sensitive Watersheds will be implemented for BDITCH1 during project construction.

### ***Residential and Business Relocations***

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- Multiple interchange configurations were reviewed during the development of the Military Cutoff Road Extension alternatives. The current interchange design provides the capacity needed to handle the high volume of traffic and minimizes impacts to Prospect Cemetery.

### ***Historic Resources***

- Avoidance and minimization measures have been incorporated into the Alternative M1 design on Market Street at Mount Ararat AME Church. A southbound free flow ramp onto Military Cutoff Road Extension was changed from a full exit lane to an angular exit.

### ***Service Roads***

- The northern end of Service Road 4 (SR4) will be realigned to follow the alignment of the existing dirt road adjacent to Military Cutoff Road Extension and to intersect Plantation Road at a T-intersection. The revised alignment will reduce wetland impacts for SR4 from approximately 2.71 acres to 2.24 acres, reduce forest impacts from approximately 1.17 acres to 0.32 acre, and eliminate 225 linear feet of delineated stream impacts. Delineated surface water impacts for tributary waters determined to be jurisdictional based on the presence of an OHWM will increase from 9,455.40 square feet (0.22 acre) to 12,262.80 square feet (0.28 acre).

### ***Other***

- Wetland BWD is located at the proposed intersection of Military Cutoff Road Extension Interchange

Loop D and Gordon Road. The FEIS will include an explanation as to why the design cannot avoid impacts to wetland BWD.

- NCDOT will investigate on-site mitigation opportunities near wetland BWD. The currently undeveloped five-acre lots near the US 17 Wilmington Bypass will also be evaluated for use as potential mitigation sites.
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- NCDOT will further investigate ways to avoid impacts to the Corbett Tract and the Plantation Road Mitigation sites during detailed project design. If possible, no right of way will be acquired from these sites.

The project team has concurred on the Avoidance and Minimization for the proposed project as listed above. This Concurrence Point 4A form supersedes the Concurrence Point 4A form for TIP No. U-4751 signed on September 25, 2012.

| NAME                           | AGENCY | DATE      |
|--------------------------------|--------|-----------|
| <i>Bud Eshaver</i>             | USACE  | 4.16.2014 |
| <i>Cynthia F. Vander Wille</i> | USEPA  | 4.16.2014 |
| <i>Gary Jordan</i>             | USFWS  | 4/16/2014 |
| <i>Fritz Rolde</i>             | NMF    | 4/23/2014 |
| <i>M. O'Neil</i>               | NCDCM  | 4/16/14   |
| <i>Renee Bleckhill-Earley</i>  | NCSHPO | 4.14.14   |
|                                | NCDMF  |           |
| <i>Mark Hemmels</i>            | NCDWR  | 4-14-12   |
| <i>J. R.</i>                   | NCWRC  | 4-14-2014 |
| <i>Kim L. Gillespie</i>        | NCDOT  | 4/14/14   |
| <i>W. J.</i>                   | WMPO   | 4/14/14   |



## **APPENDIX D**

### **AGENCY COMMENTS ON THE DEIS AND SDEIS**

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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Richard B. Russell Federal Building  
75 Spring Street, S.W.  
Atlanta, Georgia 30303



ER 11/881  
9043.1

November 22, 2011

Mr. Brad Shaver  
U. S. Army Corps of Engineers  
Wilmington Regulatory Office  
69 Darlington Avenue  
Wilmington, NC 28403-1343

Re: Comments and Recommendations for the Draft Environmental Impact Statement (DEIS),  
for Improvements to U.S. 17, Hampstead Bypass, New Hanover and Pender Counties,  
NC

Dear Mr. Shaver:

The U.S. Department of Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed SR 1409 (Military Cutoff Road) Extension and proposed US 17 Hampstead Bypass located in New Hanover and Pender Counties, North Carolina (TIP No. U-4751 and R-3300). These comments are provided in accordance with provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

For U-4751, the North Carolina Department of Transportation (NCDOT) proposes to extend Military Cutoff Road as a six-lane divided roadway on new location from its current terminus at US 17 (Market Street) in Wilmington north to an interchange with the US 17 Wilmington Bypass. For R-3300, NCDOT proposes to construct the US 17 Hampstead Bypass as a freeway on new location. The US 17 Hampstead Bypass may connect to the proposed Military Cutoff Road Extension at the existing US 17 Wilmington Bypass and extend to existing US 17 north of Hampstead. There are currently five remaining alternatives under consideration.

The Department has been actively involved for several years in early coordination on this project through the combined NEPA/404 Merger Process, and many of our previous comments and recommendations are reflected in the DEIS. The Department has helped narrow the range of reasonable alternatives and assisted in refining remaining alternatives.

The cover page of the DEIS incorrectly states that the Service is a Cooperating Agency. Although the Service has participated in early coordination through the Merger Process for years,

the Service was not formally requested to be a Cooperating Agency (as per 40 CFR Section 1501.6), nor has the Service participated in the preparation of the DEIS.

Page 2-29 states that a total right of way width of 250 to 350 feet is proposed for Hampstead Bypass Alternatives E-H, O and R, and that a total right of way width of 250 to 520 feet is proposed for Alternative U. This statement appears inconsistent with the “Green Sheet” project commitment “Roadway widening improvements associated with Hampstead Bypass along existing US 17 in this area [in the vicinity of Holly Shelter Game Land] will not exceed a width of 200 feet in order to maintain connectivity between red-cockaded woodpecker foraging habitat partitions.” This commitment also appears on page 4-37. For red-cockaded woodpecker (RCW, *Picoides borealis*) habitat east of US 17 to be counted towards the total habitat acreage within foraging partitions EC and 17, it is imperative that the total cleared area not exceed 200 feet.

Page 3-49 incorrectly states that green sea turtles (*Chelonia mydas*) do not nest in North Carolina. Green sea turtles do sporadically nest in North Carolina in small numbers. Page 3-49 also states “Loggerheads occasionally nest on North Carolina beaches...” Actually, loggerhead sea turtles (*Caretta caretta*) consistently nest in North Carolina.

Table 4-7 on page 4-17 displays the impacts to certain preservation areas. Especially problematic are the impacts to the Plantation Road Site. This site contains several stems of the federally endangered rough-leaved loosestrife (*Lysimachia asperulaefolia*). Page 3-16 correctly states that the Plantation Road Site was, as per the conservation measures in the January 2002 NCDOT Biological Assessment (BA) and May 22, 2002 Service Biological Opinion (BO) for the I-40 Connector (R-2405A), to be maintained as a preservation area for rough-leaved loosestrife. Alternatives M2+O and M2+U would impact a large portion of the preservation site as well as a significant number of rough-leaved loosestrife stems. The Department opposes these two alternatives. Although the other alternatives would have much smaller impacts to this preservation area and may not directly impact rough-leaved loosestrife stems, the designs should be modified to further avoid or minimize impacts.

The Corbett Tract Mitigation Site, as per the aforementioned BA and BO, was, in addition to providing wetland mitigation, to also serve as a preservation site for rough-leaved loosestrife. At the time of the 2002 Section 7 consultation for the I-40 Connector, this site had over 100 stems of rough-leaved loosestrife. Although the M1 alternatives would only have small impacts to this site (0.08 – 0.58 acre), the Department strongly recommends refining the designs to further avoid or minimize these impacts.

Four of the five remaining alternatives would impact the Corbett Tract Residual Strip to some degree (0.27 – 3.55 acres). As per the conservation measures in the aforementioned BA and BO, this area was to be utilized “as a buffer between the I-40 Connector and adjacent rough-leaved loosestrife clusters.” Although rough-leaved loosestrife is not known to occur within this area, impacts should be avoided or minimized in accordance with the intent of the conservation measures within the BA and BO.

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chaffseed (*Schwalbea americana*) is incorrectly listed in New Hanover County. It is actually only listed in Pender County as a historic occurrence.

Page 4-37 states “It is anticipated that the USACE will request of the United States Fish and Wildlife Service (USFWS) that formal consultation for red-cockaded woodpecker be initiated...after the least environmentally friendly damaging practicable alternative for the proposed project has been identified.” The Department believes it would be prudent to delay formal Section 7 consultation until at least after Concurrence Point 4A (CP4A) in the Merger Process when more refined design information is available. If consultation were to begin prior to CP4A, it is likely that the RCW foraging habitat removal locations and extent would need to be repeatedly revised, thus necessitating re-initiation of Section 7 consultation. Due to encroaching private development, the habitat for RCWs in the project area and the status of the RCW groups have changed significantly in the last few years and will likely continue to change. As such, the Service strongly recommends that the timing of formal Section 7 consultation be carefully planned so as to avoid multiple re-initiations. It is very possible that biological conclusions may change within the next few years.

Page 4-39 and Table 4-17 state that the biological conclusion for golden sedge (*Carex lutea*) is “May Affect, Likely to Adversely Affect”. The Department believes that this remains to be determined. As stated in the DEIS, no specimens of golden sedge have been observed within the project area. Although habitat is present, and the closely associated Cooley’s meadowrue (*Thalictrum cooleyi*) is present, the Department believes that more surveys are warranted. If additional and appropriately timed surveys do not reveal any specimens of golden sedge, the Department would concur with a “no effect” conclusion for this species.

Pages 4-38 through 4-41 address the effects to Cooley’s meadowrue (*Thalictrum cooleyi*) and rough-leaved loosestrife (*Lysimachia asperulaefolia*). Given the disparate degree of effects to these species depending upon the alternative selected, graphics depicting the location of the known locations of these species in relation to the different alternatives would be helpful.

We would like to emphasize the serious and complex issues regarding the effects of this project to RCWs. As the DEIS points out, the RCWs located in the adjacent Holly Shelter Game Land are part of the Coastal North Carolina Primary Core Recovery Population within the Mid-Atlantic Coastal Plain Recovery Unit. The Department has diligently worked with NCDOT to refine the alternative designs to minimize the level of take on RCWs. We acknowledge the efforts put forth by NCDOT to reduce the level of take on this species. Based on current information, it appears that the project will still result in a take of at least one active RCW group. Given the fact that the Coastal North Carolina Primary Core Population is still far from achieving its minimum size required for delisting (350 potential breeding groups), the loss of even one potential breeding group is significant. Additional coordination is needed to resolve this issue.

We appreciate the opportunity to review this project. If you have any questions regarding our response, I can be reached on (404) 331-4524 or via email at [joyce\\_stanley@ios.doi.gov](mailto:joyce_stanley@ios.doi.gov).



Sincerely,

A handwritten signature in black ink, appearing to read "J Stanley", with a long horizontal flourish extending to the right.

Joyce Stanley, MPA  
Regional Environmental Protection Assistant

for

Gregory Hogue  
Regional Environmental Officer

cc: Jerry Ziewitz – FWS  
Gary Jordan - FWS  
Brenda Johnson - USGS  
David Vela – NPS  
Tommy Broussard – BOEM  
OEPC – WASH



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

October 5, 2011

RECEIVED  
Division of Highways

OCT 07 2011

Preconstruction  
Project Development and  
Environmental Analysis Branch

Gregory J. Thorpe, Ph.D.  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

This letter is in response to your August 29, 2011 letter which requested comments from the U.S. Fish and Wildlife Service (Service) on the Draft Environmental Impact Statement (DEIS) for the proposed SR 1409 (Military Cutoff Road) Extension and proposed US 17 Hampstead Bypass, New Hanover and Pender Counties, North Carolina (TIP No. U-4751 and R-3300). These comments are provided in accordance with provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

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The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520, ext. 32.

Sincerely,

  
for Pete Benjamin  
Field Supervisor

Electronic copy: Chris Militscher, USEPA, Raleigh, NC  
Travis Wilson, NCWRC, Creedmoor, NC



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

November 15, 2011

Dr. Gregory J. Thorpe, Ph.D., Manager  
Project Development and Environmental Analysis Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

SUBJECT: Federal Draft Environmental Impact Statement for the US 17, Hampstead Bypass and Military Cutoff Road Extension, New Hanover and Pender Counties, North Carolina; CEQ No.: 20110322; TIP Project Nos.: R-3300 and U-4751

Dear Dr.Thorpe:

The U.S. Environmental Protection Agency (EPA) Region 4 has reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The U.S. Army Corps of Engineers (USACE) and the North Carolina Department of Transportation (NCDOT) are proposing to extend Military Cutoff Road on new location for several miles (approximately 3.5 miles) as a 6-lane, median divided facility and connect to a 12 to 15 mile new location, multi-lane, median divided, bypass facility of US 17 Highway in New Hanover and Pender Counties, North Carolina. Both multi-lane facilities are expected to tie in with I-140 Wilmington Bypass (Also known as US 17, John Jay Burney Jr. Freeway). I-140 currently connects to US 17 (Market Street) with an interchange at Futch Creek Road.

EPA has been participating in the proposed project under the NEPA/Section 404 Merger process since 2005 and before the NCDOT proposed to combine the two facilities into one proposed project. According to EPA's records, the Purpose and Need (Concurrence Point - CP 1) for the combined roadway facilities was concurred on September 21, 2006. On August 23, 2007, EPA concurred on the Detailed Study Alternatives to be carried forward (Concurrence Point 2). Another CP 2 meeting was held on April 20, 2010, that further narrowed down the Detailed Study Alternatives. EPA concurred on CP 2A, Bridging and Alignment Review on May 27, 2010. EPA's technical review comments on the DEIS are attached to this letter (See Attachment A).



It should be noted that EPA and the U.S. Fish and Wildlife Service are listed on the DEIS cover as Cooperating Agencies. Section 1501.6 of the Council on Environmental Quality (CEQ) regulations should be further explored by the USACE and NCDOT for specific requirements of Cooperating Agencies.

EPA has rated the DEIS alternatives E-H+M1, O+M2, R+M1, U+M1 and U+M2 as 'Environmental Objections' (EO-2). EPA has rated detailed study alternative (DSA) U as "Environmental Concerns (EC-2). Those DSAs rated as EO-2 are those alternatives where there is a potential for significant environmental impacts to water supply wells and high quality waters of the U.S. that cannot be addressed without significant project modification or the development of other feasible alternatives. The DEIS fails to address the requirements of the Safe Drinking Water Act and the Clean Water Act with respect to current and future water supplies and the Military Cutoff Road extension impacts (i.e., DSA M1 and M2). The DEIS fails to identify avoidance and minimization measures and compensatory mitigation under Section 404 of the Clean Water Act for significant impacts to high quality waters of the U.S.

The rating of '2' indicates that DEIS information and environmental analysis is not sufficient and that additional information is required. EPA has substantial environmental concerns with respect to wetland and stream impacts and appropriate avoidance and minimization measures and compensatory mitigation. In addition, EPA also has environmental concerns for potential impacts to wetland mitigation and preservation sites, prime farmland impacts, impacts to threatened and endangered species, wildlife habitat fragmentation, and human environment impacts. EPA recommends that all of the technical comments in the attachment be addressed prior to the issuance of a Final EIS (FEIS). Furthermore, all relevant environment impacts that have not been disclosed in this document should be addressed in additional documentation prior to the next Merger decision point.

EPA has rated DSA U as having environmental concerns (EC-2) because it has significant environmental impacts to human and natural resources that have not been fully or accurately addressed in the DEIS and additional information is required. EPA believes that strictly combined with other transportation alternatives such as Transportation System Management (TSM) and Travel Demand Management (TDM), DSA U can possibly help meet the purpose and need. However, additional avoidance and minimization measures would be needed for DSA U to prevent degradation to protected and jurisdictional resources. EPA is requesting a conceptual mitigation plan prior to the selection of the Least Environmentally Damaging Practicable Alternative (LEDPA). EPA will not be able to concur on the Least Environmentally Damaging Practicable Alternative (LEDPA) until the significant environmental issues identified in the attachment are satisfactorily resolved.

Mr. Christopher Militscher of my staff will continue to work with you as part of the NEPA/Section 404 Merger Team process. EPA will continue to work with your staff and other Merger Team agencies on modifications to the DSAs and developing

alternatives that can potentially meet the stated purpose and need for the project study area. Should you have any questions concerning these comments, please feel free to contact him at [Militscher.chris@epa.gov](mailto:Militscher.chris@epa.gov) or (919) 856-4206 or (404) 562-9512. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mueller', with a long horizontal stroke extending to the right.

Heinz J. Mueller  
Chief, NEPA Program Office

Cc: S. McClendon, USACE  
B. Shaver, USACE  
P. Benjamin, USFWS  
B. Wrenn, NCDWQ  
D. Wainwright, NCDWQ  
M. Herndon, NCDWQ  
D. Cox, NCWRC  
S. Sollod, NCDCM

**ATTACHMENT A**  
**Draft Environmental Impact Statement**  
**US 17 Hampstead Bypass and Military Cutoff Road Extension**  
**New Hanover and Pender Counties**  
**TIP Project Nos.: R-3300 and U-4751**  
**Detailed Technical Comments**

Purpose and Need for the Proposed Project

The NEPA/Section 404 Merger Concurrence Point (CP) 1 Purpose and Need statement is included in Appendix B of the DEIS. The stated purpose and need that Merger team representatives agreed to is as follows: “*The purpose of the project is to improve the traffic carrying capacity and safety of the US 17 and Market Street corridor in the project study area*”. The DEIS includes an elaboration on the purpose and need on Pages 1-3 and 1-4. The discussion concerning safety is not fully examined. EPA believes that the severity of accidents and potential fatalities within the project study area may increase with a new location highway speed freeway. While overall ‘minor’ traffic accidents may be expected to decrease along US 17/Market Street with a new multi-lane bypass facility, FHWA and National Safety Council studies have shown that new location, high speed freeways in rural areas can potentially increase the severity of accidents. NCDOT safety studies also indicate that the total crash rate for US 17 between US 17 Wilmington Bypass (I-140) and Sloop Point Loop Road is below the 2005-2007 statewide crash rate for rural U.S. routes. Most of the proposed Hampstead Bypass is located substantially north of where the traffic and accident problems are located along existing US 17/Market Street.

This section of the DEIS includes an additional need concerning transportation demand. U.S. Census Bureau population data for New Hanover County and Pender County is provided. The DEIS states that with the population increase there is a corresponding growth in tourism and supporting services that resulted in a mixed-purpose traffic on US 17. This section of the DEIS does not specifically identify the correlation between population growth and the growth in tourism and supporting services. The population growth trends presented in Table 1-4 by decade for the periods of 2010-2020 and 2020-2030 are not reflective of more recent socio-economic trends. The large number of annual visitors for tourism does not specifically translate into increased population growth for the project study area. Considering the extensive wetland systems present in the project study area and that most upland areas have already been developed for retirement and seasonal second homes, future trends in permanent population growth are believed to be over estimated to justify new location facilities.

Figure 2 of the DEIS includes the 2008 Levels of Service (LOS) along some of the major routes in the project study area, including I-140/Wilmington Bypass, US 17/Market Street and US 17 to Sloop Point Loop Road at the northern project terminus. This figure is confusing as it only provides LOS from A to C, and then breaks out LOS D, E and F. Twenty-four (24) intersections are also provided with a LOS. EPA notes

that a majority of existing Military Cutoff Road within the project study area shown is LOS A-C. Additionally, EPA estimates that based upon peak hour NCDOT traffic estimates, approximately 66,500 feet of 123,375 total feet of existing roadways operate at a satisfactory LOS of A-C. Major sections of the existing multi-lane US 17 highway in Pender County and I-140/Wilmington Bypass show no current traffic capacity issues. Eight (8) of the 24 intersections also operate at LOS A-C.

EPA also notes the issue of local traffic versus regional through traffic. From Figure 2, it can be seen that while the I-140/Wilmington Bypass operates at an acceptable LOS, US 17 from College Road to Futch Creek Road (approximately 7 miles) operates at LOS F. Apparently, I-140/Wilmington Bypass is not drawing sufficient through traffic from downtown Wilmington roadways. The interchange of I-140/Wilmington Bypass and US 17 north of Porters Neck Road is rated with a LOS A-C. Similarly, the traffic problems (LOS F) south of the proposed extension of Military Cutoff Road would not expect to be improved with a new location, 6-lane freeway connecting to I-140 with a new interchange. EPA is uncertain how the new location, US 17/Hampstead Bypass of approximately 12 to 15 miles will improve traffic carrying capacity south of the proposed connections and new interchange with I-140/Wilmington Bypass. Except for one small area south of Scotts Hill Loop Road and a similarly small area by Topsail High School, US 17 between the I-140 interchange to the northern terminus operates at LOS D or better.

Figure 5 includes the projected 2035 LOS 'No-build'. Nearly all multi-lane roadways and intersections operate at LOS F based upon projected growth. The DEIS does not include the 2035 LOS in the project study area with the proposed new facilities (Build Scenario). This information is necessary to determine if after the 16 to 18 miles of new facilities are constructed that there will be any observable improvements to the existing facilities in the future. The project need appears to be based solely upon past population growth numbers in the two counties from 1990 to 2000 and 2000 to 2010. Section 3, Table 3-1 of the DEIS provides Population Characteristics for North Carolina, New Hanover County, Pender County, Wilmington, and 'Demographic Area'. The DEIS defines the demographic area as the area in and around the study area. The DEIS does not separate seasonal peak traffic numbers from the Average Annual Daily Traffic (AADT). The DEIS does not provide a break down by year of population growth rates within the demographic area. EPA would not anticipate that population growth rates from 2008 to present are at the same substantial percentage levels as was seen earlier in the decade. These 2035 population projections do not appear to take into account the project setting and the availability of other necessary infrastructure.

Overall, the information contained in the DEIS does not adequately support the purpose and need for multi-lane (6 lanes for Military Cutoff Road Extension and 4 lanes for the Hampstead Bypass) new location roadways, including a 12 to 15 mile freeway and a 3.5 mile, 6-lane boulevard. Other transportation initiatives, such as widening existing roadways, providing interchanges and improved intersection movements, adding turn lanes, providing 'traffic calming' measures and other Transportation Systems Management and Travel Demand Management measures could meet current and possible

future traffic problems. Regional traffic plans do not fully address the existing traffic conditions of the I-140/Wilmington Bypass and why the northern terminus was selected at its current location if it was not expected to draw regional and seasonal traffic from more congested local routes. Based upon NCDOT studies, I-140/Wilmington Bypass and its interchanges operate successfully at LOS A-C.

Recent purpose and need guidance by the Federal Highway Administration (FHWA) indicates that safety issues on existing facilities cannot always be addressed by the construction of new location facilities. Safety improvements along existing US 17 could be accomplished through a multiple of enhancements, including the addition of auxiliary turn lanes, restricting driveway access, improved signal timing, reducing the posted speed limit, increased signage, etc. Considering the rural and suburban nature of a majority of the project study area, new location and multi-lane facilities combined with existing safety concerns along US 17 will potentially increase the number and severity of accidents.

### Preliminary and Detailed Study Alternatives

The DEIS includes discussions in Section 2.2 regarding Transportation Systems Management (TSM) Alternative, Travel Demand Management (TDM) Alternative and Mass Transit Alternatives. These transportation alternatives were not given full consideration and were eliminated from detailed study because they did not meet the purpose and need for the proposed new location projects. These alternatives were given only cursory consideration as individual alternatives and were never considered in combination along with other select improvements to existing roadways and intersections. Under the Mass Transit Alternative, EPA notes that NCDOT has concluded that there is a potential lack of demand. EPA requests a copy of the public survey and other traffic studies that support this conclusion. The DEIS also cites '*a diversity of trip origins and destinations*'. EPA requests a copy of the origin/destination (O/D) study that was prepared to support this position.

The DEIS discusses the N.C. Strategic Highway Corridor (SHC) vision plan adopted by the N.C. Board of Transportation in 2004 as part of the purpose and need for the project. The SHC was not included in the purpose and need that Merger team representatives concurred on in September of 2006. The extension of Military Cutoff Road is designated as a boulevard in the SHC plan. The Hampstead Bypass is depicted in the 2004 SHC vision plan as a new location freeway that follows the most westerly routes of some of the Detailed Study Alternatives (DSAs). Without fully examining other transportation alternatives or knowing the full extent of traffic problems on US 17/Market Street, it was determined in 2004 that new multi-lane routes would be the 'vision' for the corridor. The DEIS does not explain the correlation between the traffic problems on existing US 17/Market Street and the need for additional traffic carrying capacity, new multi-lane routes of travel that are at a substantial distance from the poor LOS areas and intersections, and areas with higher accident rates shown on Page 2-2. EPA does not believe that other 'non-new location' transportation alternatives either singly or in combination were given full consideration in the DEIS.



The DEIS includes a comparison of 23 preliminary corridor alternatives (Alternatives A through W and Z) for the Hampstead Bypass and 2 preliminary corridor alternatives (Alternatives M1 and M2) for the Military Cutoff Road Extension. Many of these preliminary study corridors were apparently identified by NCDOT to strictly avoid residential relocations within the proposed 300-foot corridor without any context sensitive regard to natural system impacts (e.g., Alternative W: 501.5 acres of wetland impacts and 63 residential relocations). The original list of preliminary study alternatives were narrowed down to 13 DSAs on August 23, 2007, at a Concurrence Point (CP) 2 Merger meeting. The list of 13 DSAs was further narrowed down on April 20, 2010, to 6 DSAs at a second CP 2 meeting. The current list of DSAs includes Alternatives E-H, O, R, U and M1 and M2. Alternatives E-H, O, R and U all share the same northern terminus by Sloop Point Loop Road and US 17. Alternatives M1 and M2 share a common southern terminus at the intersection of Military Cutoff Road and US 17. Combining the freeway alternatives and Military Cutoff Road extension alternatives represents 5 DSAs.

Alternatives E-H, O and R are located more than a mile to the west of the existing multi-lane US 17 facility for a majority of their length. Alternative E-H appears at its most westerly point to be located more than 3 miles from the existing US 17 corridor. Alternative U is considered to be a 'shallow' bypass and utilizes the existing corridor for approximately half of its length. Alternative U does not require a new location interchange along I-140/Wilmington Bypass. The DEIS design for DSA U indicates a 250 to 350 right of way required for this DSA. The DEIS does not provide a specific justification for this proposed width compared to the other alternatives under consideration. This right of way width is also contradictory to the environmental commitment included on page 1 of 2 of the "Green Sheets".

Alternatives M1 and M2 follow the same alignment for more than half of its length and then tie in two future I-140/Wilmington Bypass interchanges that are approximately one mile apart. The current DSAs combinations are included in the summary comparison in Table S-1. The 5 DSAs under consideration in the DEIS do not necessarily meet the requirements under 40 CFR Part 1502.14. Traffic carrying capacity and accident issues are located south of the I-140/Wilmington Bypass interchange along US 17. These issues were discussed during previous Merger team meetings and agencies were informed that the NCDOT would evaluate a full range of alternatives that would singly or in combination meet the purpose and need. The initially proposed project study area was expanded at the request of the USACE and other agency representatives to insure that a full suite of reasonable alternatives would be explored during the NEPA process.

## Human Environment Impacts

### Relocations

Residential and business relocations for the DSA E-H+M1, O+M2, R+M1, U+M1 and U+M2 are shown in Table S-1 and are as follows: 61/84, 60/84, 59/84, 93/106, and

95/106. The business relocations include non-profit 'displacements' (i.e., Relocations). There are no large business employers identified within the demographic area (Pages 3-2 and 3-3 of the DEIS).

EPA compared residential and business relocations for the DSAs to similar multi-lane facilities identified and analyzed under the 2010 Merger Performance Measures Environmental Quality Indicators (Baseline and 2009 data). For residential relocations, impacts per mile for the five DSAs were comparable in range to the Baseline and 2009 impact numbers (2.0 to 4.2 residential relocations per mile for Eastern new location projects, respectively). Business relocations are higher for all 5 DSAs compared to the Baseline and 2009 impact numbers. The DEIS included non-profit organizations in the business relocation totals. This is not a common NCDOT practice nor consistent with current NEPA/Section 404 Merger guidance. In addition, NCDOT also included a church, cemetery graves and a "0 employee" daycare in the Appendix C business relocations for U-4751 Alternatives M1 and M2. According to this report, 63 business relocations will result from either DSA M1 or M2. Appendix C appears to 'double count' certain business relocations. For DSA U, the report includes the relocation of 9 non-profit organizations, including 7 churches. Another 32 'displaced' businesses are identified for DSA U. Also included in the list of 32 business relocations for DSA U is a seasonal produce stand, a small business with 'name unknown', and a new business under construction (no name). This report identified a cell tower will be 'isolated' by this alternative as well as water tanks for the Belvedere Plantation subdivision. However, this relocation report does not identify at least two existing water supply wells operated by Cape Fear Public Utility Authority that will be impacted by both DSA M1 and M2 (Page 4-22 of the DEIS). EPA requests that a consistent and accurate analysis of residential and business relocations be provided to EPA and other Merger team agencies prior to the CP 3 LEDPA meeting and included in the FEIS.

#### Minority and Low-Income Populations: Environmental Justice

Table 4-1 identifies minority owned residential and business relocations, including the following: DSA EH+M1: 13 out of 61 residential and 11 out of 84 businesses; DSA O+M2: 11 out of 60 residential and 11 out of 84 businesses; DSA R+M1: 13 out of 59 residential and 11 out of 84 businesses; DSA U+M1: 36 out of 93 residential and 22 out of 106 businesses; DSA U+M2: 36 out of 95 residential and 22 out of 106 businesses. The Environmental Justice impacts based upon 2000 Census data are described on Pages 4-4 to 4-6 of the DEIS. The DEIS concludes that the proposed project is not expected to have disproportionately high and adverse human health and environmental effects on low income or minority populations.

#### Community Resources

Access to Prospect Cemetery is expected to be eliminated by either DSA M1 or M2. Page 4-2 of the DEIS states that access to Prospect Cemetery will be evaluated during final roadway design. EPA believes that this is a known impact resulting from the Military Cutoff Road Extension and access road options and associated impacts should

have been identified in the DEIS, including potential impacts to jurisdictional wetlands and streams. The DEIS identifies an impact under DSA M1 and M2 to a driving range (golf) under community facilities and services. This is a commercial business (#57 under Business Relocations) and not a public or non-profit community facility. The DEIS does identify that Holly Shelter Game Land is located in the project study area. However, unlike the driving range, it is a public and community facility as well as a gameland and preservation area. It is used extensively by the public. EPA requests that inaccuracies contained in the DEIS be addressed in the FEIS.

Mount Ararat AME Church, a historic property, is also expected to be impacted by DSA M1 or M2. In addition, the DEIS also indicates that grave sites in this cemetery could also be impacted but does not quantify the potential number of grave sites. In the Appendix C relocation report, it is provided that DSA U will reportedly impact 647+/- grave sites: Wesley Chapel United Methodist Church (395 +/- graves), McClammy and King Family Cemetery (17 +/- graves) and Pollock's Cemetery (235 +/- graves). The number of grave sites in the relocation report for DSA M1 and M2 under TIP project number U-4751 is not provided. Potential cemetery impacts for DSAs E-H, O and R are not identified in the report.

Ogden Park is described on Page 4-2 of the DEIS and discusses the park boundary that was designed to accommodate a future transportation corridor through the middle of the county park. In addition: *"Pedestrian access to existing multi-use path facilities and Ogden Park would be improved if pedestrian facilities are constructed."* There is no identification of any proposed pedestrian facilities between the two sections of the park.

Additional details concerning non-profit relocations are provided in Section 4.1.2 of the DEIS. DSA E-H, O and R will impact 3 churches, including St. John the Apostle Catholic Church, Angel Food Ministries, and Topsail Baptist Church.

Hampstead is an unincorporated community in Pender County and is an area characterized as a home to four golf courses that are centered in large residential developments. The northern area of the project study area is characterized as being rural with natural areas preserved for recreation and education. The N.C. Wildlife Resources Commission manages Holly Shelter Game Land and North Carolina State University manages its blueberry research station. There are numerous other public and private mitigation sites and preserved lands in the project study area. Notably, there are several NCDOT mitigation sites (associated with the I-140/US 17/Wilmington Bypass project), including but not limited to the Plantation Road Site, Corbett Strip Residual Site and the Corbett Tract Mitigation Site.

### Farmland Impacts

Impacts to prime farmlands are described in Section 4.3 on the impacts to the physical environment. Farming and agricultural practices are a human activity and represent businesses. In addition to N.C. Executive Order 96 on the Conservation of Prime Agricultural and Forest Lands, the Lead Federal Agency (i.e., USACE) is required

to comply with the Farmland Protection Policy Act (FPPA) of 1981 for those NEPA actions impacting prime farmland as defined under 7 CFR Part 658. Please see <http://www.nrcs.usda.gov> for more information.

Prime farmland impacts are quantified for each DSA in Table 4-5. Impacts are very specifically quantified as follows: DSA E-H+M1: 67.48 acres; DSA O+M2: 58.10 acres; DSA R+M1: 58.12 acres; DSA U+M1: 49.88 acres and DSA U+M2: 49.88 acres. Section 4.3.3 does not reference the required AD-1006 forms. EPA is unable to locate the forms in the DEIS appendices. EPA requests how these very exact impact numbers were calculated and if the Natural Resource Conservation Service (NRCS) completed AD-1006 forms for the DSAs. The DEIS does not provide any further information concerning potential N.C. Voluntary Agricultural Districts (VADs) or what measures to minimize farming impacts might be appropriate (e.g., Equipment access across dissected fields). According to the N.C. Department of Agriculture and Consumer Services, Pender County in 2008 was working towards establishing VADs.

Sections 3.3.3 and 4.3.3 of the DEIS fails to provide the relative importance of farming and other forest products for the Pender County economy and its employment contribution. Prior to the issuance of a FEIS, EPA recommends that supplemental information and analysis be provided regarding prime farmland and other agricultural land impacts resulting from the proposed project.

#### Noise Receptor Impacts

Impacts to noise receptors are described in Section 4.3 on the impacts to the physical environment. Human environment impacts are described in Section 4.1. Noise impacts are based upon receptor criteria to the human environment. Total noise receptor impacts are shown in Table 4-4. However, design year 2035 traffic noise levels that are expected to approach or exceed the NAC are different than from the table. Table S-1 includes the actual noise receptor impacts for each DSA: DSA E-H+M1: 257 receptors; DSA O+M2: 236 receptors; DSA R+M1: 248 receptors; DSA U+M1: 310 receptors and DSA U+M2: 304 receptors.

Based upon the NCDOT Traffic Noise Abatement Policy, potentially 9 noise wall barriers are expected to meet the NCDOT's current feasibility and reasonableness criteria as identified on Page 4-11. The decision on the construction of the cost-effective noise barriers to provided needed noise abatement is being deferred by NCDOT until final design, more 'in-depth' Traffic Noise Modeling (TNM) and additional public involvement.

#### Historic Properties and Archaeological Sites

DSA U has 4 historic property adverse effects, including Poplar Grove, Scott's Hill Rosenwald School and Wesleyan Chapel united Methodist Church and Mount Ararat AME Church. The Mount Ararat AME Church impact (adverse effect) is associated with DSA M1 or M2. Thus, all of the DSAs have at least one adverse effect on a historic

property. There is no identified avoidance alternative. The impacts to historic properties from DSA U are based upon using a 'freeway' design along portions of existing US 17 and including parallel service roads. Some of the impacts to historic properties may be avoided or minimized if other reasonable designs are pursued during final design. Archaeological surveys have not been conducted for the DSAs and they are not proposed to be conducted until after the selection of the preferred alternative.

### Hazardous Materials

Section 3.3.5 on hazardous materials is not accurate and should be corrected in the FEIS. Hazardous materials are regulated by the U.S. Department of Transportation (USDOT) under 49 CFR Parts 100-185. This section of the DEIS does not conform to other NEPA documents prepared by the NCDOT and reviewed by the EPA. Hazardous materials are identified in the 'Impacts to the Physical Environment' section and not in the 'Human Environment Impact' section.

Hazardous wastes are regulated under the Resource Conservation Recovery Act (RCRA) of 1976, as amended. Hazardous substances are regulated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. The NEPA/Section 404 Merger Guidance provides additional details concerning these laws and requirements. Some of the identified 'geoenvironmental' sites described in this section may meet the cleanup requirements of more than one Federal statute. Only 5 of the 28 sites referenced in Section 3.3.5 are described in Section 4.3.5. These 5 sites are associated with DSA M1 and M2. There is no qualifying description of the phrase: "*low geoenvironmental impacts*". Details concerning the other 23 hazardous material sites is not provided in the DEIS. Supplemental information and analysis should be provided to EPA prior to the issuance of the FEIS. This future geotechnical investigation and evaluation should include the potential for existing hazardous material sites and underground storage tanks to contaminate shallow groundwater resources.

### Natural Resources Impacts

#### Groundwater Impacts and Water Supply Wells

Sections 3.5.3 and 4.5.3 of the DEIS discuss impacts to the project area water supply. Groundwater aquifers are generally described in Section 3.5.3.1. The Cape Fear Public Utility Authority (CFPUA) is reported to have several existing and proposed well sites associated with the Nano Water Treatment Plant (NWTP). Section 4.5.3.1.1 identifies that DSA M1 and M2 cross two existing well sites operated by the CFPUA. Additionally, DSA M2 would also impact two additional existing CFPUA well sites (to total 4) and a proposed well site. DSA M2 is anticipated to impact a raw water line and concentrate discharge line that provides a connection to several anticipated well sites. The DEIS states that estimates provided by CFPUA include the loss of up to 6 million gallons per day (mgd) of anticipated future water supplies for the project study area. The DEIS lacks any specificity as to what the loss of the existing water supplies might be,



what the potential to feasibly relocate the wells might be, or what the costs might be should either DSA M1 or M2 be selected.

DSA U is also expected to impact 3 existing 'transient' non-community water supply wells in the vicinity of the proposed US 17 interchange at Sidbury Road and Scott Hill Loop Road. Transient non-community wells are described as being ones that serve 25 or more people at least 60 days out of the year at facilities such as restaurants and churches. The DEIS does not provide any additional information regarding these impacts, including current withdrawal rates, the availability of alternative drinking water supplies, the costs to owners to relocate wells, etc.

The DEIS does not address what the potential for contamination to existing well fields will be. The depth and distance of CFPWA well sites is not provided with respect to the alternatives under consideration. The potential threat from hazardous material accidents to other existing wellheads is not evaluated in the DEIS. Section 5.3.1.4 identifies 33 CFR 320.4(m) with respect to water supply impacts. EPA has provided the following specific USACE citation:

*"Water is an essential resource, basic to human survival, economic growth, and the natural environment. Water conservation requires the efficient use of water resources in all actions which involve the significant use of water or that significantly affect the availability of water for alternative uses including opportunities to reduce demand and improve efficiency in order to minimize new supply requirements. Actions affecting water quantities are subject to Congressional policy as stated in section 101(g) of the Clean Water Act which provides that the authority of states to allocate water quantities shall not be superseded, abrogated, or otherwise impaired."*

The full impacts to water supplies are not detailed in the DEIS. EPA believes that the construction of either DSA M1 or M2 will potentially violate this Clean Water Act requirement. NCDOT should also refer to the Safe Drinking Water Act for additional requirements. The DEIS fails to provide any potential avoidance or minimization measures or mitigation to address the loss of current and future water supplies in the project study area.

#### Jurisdictional Streams and Wetlands

Surface water impacts are included in Sections 3.5.3.2 and 4.5.3.2 of the DEIS. A total of 134 streams were identified in the project study area. Four (4) streams within one mile downstream of the project study area have been designated as High Quality Waters (HQW) and one stream within one mile downstream has been designated Outstanding Resource Waters (ORW). These five streams are Futch Creek, Old Topsail Creek, Pages Creek, an unnamed tributary to the Atlantic Intercoastal Waterway (AIWW), and Howe Creek, respectively. There are no Section 303(d) listed impaired waters in the project study area. The physical characteristics of all of the streams in the project study area are provided in Table 3-7.

Jurisdictional stream impacts for the DSAs are as follows: DSA E-H+M1: 24,531 linear feet or 4.6 miles; DSA O+M2: 13,842 linear feet or 2.6 miles; DSA R+M1: 24,571 linear feet or 4.6 miles; DSA U+M1: 15,450 linear feet or 2.9 miles and DSA U+M2: 8,786 linear feet or 1.7 miles. EPA compared stream impacts for the DSAs to similar multi-lane facilities identified and analyzed under the 2011 Merger Performance Measures Environmental Quality Indicators (Baseline and 2010 data). Stream impacts per mile for four of the DSAs were a magnitude or more above the 2004-2009 Baseline of 410 linear feet/mile and the 2010 Eastern new location value of 200 linear feet/mile. Except for DSA U+M2 of 523 linear feet/mile, the other 4 DSAs had impacts per mile as follows: 1,402 linear feet/mile (Greater than 3 times the Baseline); 834 linear feet/mile (Greater than 2 times the Baseline); 1,437 linear feet/mile (Greater than 3 times the Baseline); and 858 linear feet/mile (Greater than 2 times the Baseline). EPA does not believe that impacts to jurisdictional streams will be substantially reduced from these DEIS values following the selection of a LEDPA due to constructability issues within the project study area.

A total of 85 ponds and 286 jurisdictional wetland systems were identified in the project study area. The physical characteristics of these surface waters are detailed in Tables 3-8 and 3-9 of the DEIS. By EPA's estimate as many as 43 of the 85 ponds are classified as 'stormwater ponds'. NCDOT provided the DWQ Wetland rating for each of the 286 wetland systems. The DEIS did not provide wetlands ratings using the multi-agency accepted North Carolina Wetlands Assessment Methodology (NCWAM).

Jurisdictional wetland impacts for the DSAs are as follows: DSA E-H+M1: 246.1 acres; DSA O+M2: 384.4 acres; DSA R+M1: 297.4 acres; DSA U+M1: 218.4 acres and DSA U+M2: 283.8 acres. Impact calculations were based on preliminary design slope stake limits plus an additional 25 feet. EPA does not anticipate that final impact numbers to jurisdictional wetlands will be reduced from these specific impact estimates. Conversely, recent highway projects in the Coastal Plain of N.C. have shown an increase in wetland impacts following the selection of the LEDPA due to constructability issues brought forward by NCDOT (e.g., R-3620: Poorly drained soils requiring that the road bed be raised by 4 to 6 feet above natural ground elevation). EPA compared wetland impacts for the DSAs to similar multi-lane facilities identified and analyzed under the 2011 Merger Performance Measures Environmental Quality Indicators (Baseline and 2010 data). Similar to the stream impact comparisons, wetland impacts per mile for each DSA greatly exceeded the Baseline and 2010 Eastern new location project values of 2.1 acres/mile and 1.5 acres/mile, respectively. EPA estimates the following: DSA E-H+M1: 14.1 acres/mile; DSA O+M2: 23.2 acres/mile; DSA R+M1: 17.4 acres/mile; DSA U+M1: 12.1 acres/mile and DSA U+M2: 16.9 acres/mile. These wetland impacts per mile range from 6 to 10 times the 2004-2009 Baseline for an Eastern new location project. EPA does not believe that impacts to jurisdictional wetlands will be substantially reduced from these DEIS values following the selection of a LEDPA due to possible constructability issues and potential NCDOT safety concerns regarding 3:1 side slopes and the use of guardrails along a future high speed facility.

Section 4.5.4.1 contains a discussion on avoidance and minimization of impacts to jurisdictional resources. Minimum hydraulic bridges are recommended at Site #6, UT to Island Creek (Wetlands ISA and ISB) and Site #15 and Island Creek and UT to Island Creek (Wetlands HBSF and HBSH). Dual 200-foot bridges are recommended at Site #16, UT to Island Creek (Wetland HBSD2). Seventeen (17) major hydraulic crossings were identified during the CP 2A field meeting. Thirteen (13) structures are various sized reinforced concrete box culverts (RCBC) and one existing RCBC is proposed to be extended. The DEIS does not identify any additional avoidance and minimization measures to reduce impacts to jurisdictional streams and wetlands, such as reduced median widths, increased side slopes, the use of single bridges and tapered medians, retaining walls, reduced paved shoulders, etc.

Compensatory mitigation for unavoidable impacts to jurisdictional resources is very generally discussed in Section 4.5.4.1.2 of the DEIS. NCDOT proposes to seek on-site mitigation opportunities and utilize the N.C. Ecosystem Enhancement Program (EEP) for off-site mitigation needs. Considering the magnitude and severity of the impacts to high quality streams and wetlands, EPA requests a conceptual mitigation plan prior to the selection of a LEDPA and the issuance of a FEIS. There are no details as to what mitigation opportunities are available on-site and what credits or mitigation assets are available through the EEP. Considering the location of the proposed project and the presence of high quality waters of the U.S., the conceptual mitigation plan should be sufficiently detailed and provide for full compensation for lost functions and values to high quality resources.

During the Merger process, EPA also learned that several NCDOT mitigation sites associated with the I-140/Wilmington Bypass might be impacted from the proposed project, including the "Plantation Road Site". From Figure 10C of the DEIS, it appears that the "34-acre Residual Site" might also be impacted from several of the DSAs. From Figure 10D, it appears that the "Corbett Strip Residual Site" is probably going to be impacted from several of the DSAs. Discussions in the DEIS regarding the potential impacts to these NCDOT mitigation sites is included in Section 3.3.8.3. Impacts to these sites are not specifically identified in the summary table S-1 but are addressed Table 4.3.8.3. Additional information including credit/debit ledgers, restrictive covenants and easements, and other property records is being requested by EPA prior to the selection of a LEDPA and the issuance of a FEIS. NCDOT should avoid impacting approved mitigation sites that were required for compensation for previous highway project impacts (i.e., I-140/US 17 Wilmington Bypass).

#### Terrestrial Forest Impacts

Terrestrial forest impacts include Table S-1 summary of impacts for the DSAs are as follows: DSA E-H+M1: 518 acres; DSA O+M2: 512 acres; DSA R+M1: 472 acres; DSA U+M1: 406 acres and DSA U+M2: 455 acres. These impact numbers do not match the terrestrial community impacts shown in Table 4-9. Eliminating the impact estimates to 'maintain and disturbed communities' still does not provide for an accurate estimate of terrestrial forest impacts. The FEIS should identify how the terrestrial forest impacts

were calculated for each DSA and what natural communities were included in the estimates. EPA notes the comment concerning Executive Order 13112 on Invasive species and NCDOT's Best Management Practices (BMPs). EPA acknowledges the NCDOT invasive plant species list in Section 3.5.2.1.2 of the DEIS. The FEIS should identify specific BMPs to be followed to minimize the spread of invasive plant species following construction and provide detailed environmental commitments on how these BMPs are to be implemented. It would be useful to the public and decision-makers if NCDOT could provide previous project examples where these invasive species BMPs have cost-effectively resulted in the long-term elimination or reduction in invasive plant species following roadway construction activities. There are numerous Significant Natural Heritage Areas that are present in the project study area and the proposed new location alternatives represent a significant long-term threat to these unique habitats resulting from the introduction of aggressive and persistent roadside invasive plant species.

#### Threatened and Endangered Species

Sections 3.5.4.3 and 4.5.4.3 address protected species, including Federally-listed species under the Endangered Species Act (ESA). Considering the potential impacts to NCWRC's managed Holly Shelter Game Land, the DEIS should have also identified any State listed species under their jurisdictional and within the project study area. Twelve (12) Federally-listed threatened or endangered species are shown on Table 3-10. According to a copy of the U.S. Fish and Wildlife Service (USFWS) letter dated October 5, 2011, there are numerous unresolved issues concerning threatened and endangered species, including Red-cockaded woodpecker (RCW) and issues associated with the endangered plants and NCDOT mitigation sites that will be impacted from DSAs E-H, O, and R. EPA's defers to the NCWRC and USFWS concerning specific requirements involving Section 7 of the ESA and other wildlife issues. Generally, EPA has significant environmental concerns regarding wildlife habitat loss and fragmentation resulting from most of the DSAs, including E-H, O and R. Potential animal/vehicle collisions involving new location, multi-lane, high speed facilities in rural areas in close proximity to game lands and other preservation areas need to be analyzed and studied prior to the issuance of a FEIS.

#### Other Environmental Issues

EPA notes the other DEIS comments and issues concerning Air Quality including transportation conformity, Mobile Source Air Toxics (MSATs), FEMA floodplain impacts, socio-economic issues, land use plans, pedestrian and bike path issues, gameland and preservation area direct impacts and indirect and cumulative effects (ICE) resulting from the proposed project.

Regarding socio-economic issues, EPA acknowledges the following DEIS comment: *"It is anticipated that the proposed project will enhance long-term access and connectivity opportunities in New Hanover and Pender County and will support local, regional and statewide commitments to transportation improvement and economic*

*viability*". Enhanced long-term access and connectivity are not part of the purpose and need for the proposed project that EPA and other Merger Team agencies agreed with in 2006 .

Impacts to Holly Shelter Game Land, Corbett Tract Mitigation Site, Corbett Tract Residual Strip, Plantation Road Site, 34-Acre Residual Site, 22-Acre Residual Site, and Blake Savannah are detailed for the different DSAs in Table 4-7. Impacts to Holly Shelter Game Land and the 22-Acre Residual Site should be removed from the table as all of the impacts are 'zero' to these two areas. The total impacts for the DSAs are as follows: DSA E-H+M1: 4.43 acres; DSA O+M2: 42.94 acres; DSA R+M1: 5.01 acres; DSA U+M1: 3.24 acres and DSA U+M2: 34.40 acres. Most of the impacts are associated with DSA M2 and are to the Plantation Road and 34-Acre Residual mitigation sites. These significant impacts should be included in Table S-1 and future impact tables.

EPA does not agree with the assumptions and conclusions in the indirect and cumulative effects section of the DEIS. The analysis cites travel time benefits without providing the specific travel time savings or other traffic analyses required to make such a claim. The analysis ignores a critical component: water supply within the project study area and the importance it may have on current and future development and land uses. Furthermore, the qualitative ranking in Tables 4-18 and 4-19 are not supported by actual data or facts. These ranking appear to be very subjective and based upon past trends and not upon more recent socio-economic factors. The relationship of the information contained in Table 4-20 compared to the proposed project is not made clear in Section 4.6. Considering the significant impact predicted for the project study area watersheds, EPA is requesting a review copy of the indirect and cumulative quantitative water quality impacts analysis that was requested by the NCDWQ and prior to the issuance of a FEIS.





## North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

November 7, 2011

Ms. Olivia Farr  
N.C. Department of Transportation  
Transportation Building  
1548 Mail Service Center  
Raleigh, NC

Dear Ms. Farr:

**Re: SCH File # 12-E-4220-0061; DEIS; Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.**

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. H. Creech".

William E. H. Creech

Attachments

cc: Region O

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Steven W. Troxler  
Commissioner

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Vernon Cox  
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Ms. Sheila Green  
State Clearinghouse  
N.C. Department of Administration  
1301 Mail Service Center  
Raleigh, North Carolina 27699-1301

October 31, 2011

State #: 12-E-4220-0061

RE: Proposed extension from US 17 to the proposed I-140 in New Hanover County and US 17 bypass of Hampstead in New Hanover and Pender Counties.

Dear Ms. Green:

Thank you for the opportunity to comment on the proposed extension from US 17 to the proposed I-140 in New Hanover County and US 17 bypass of Hampstead in New Hanover and Pender Counties. The North Carolina Department of Agriculture and Consumer Services (NCDA&CS) is concerned about the conversion of North Carolina's farm and forest lands to other uses. Due to the importance of agricultural activities in the area, as well as the economy of the entire state, NCDA&CS strongly encourages the project planners to avoid conversion of agricultural land to other uses whenever possible. When avoidance is not possible, all reasonable efforts to minimize impacts to farming operations and agricultural land should be implemented.

Respectfully,

Vernon Cox  
Environmental Programs Specialist



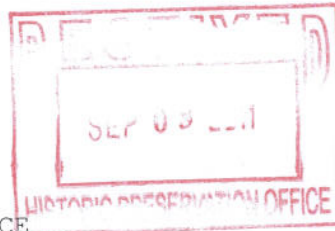
NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: NEW HANOVER  
PENDER

F02: HIGHWAYS AND ROADS

STATE NUMBER: 12-E-4220-0061  
DATE RECEIVED: 09/07/2011  
AGENCY RESPONSE: 10/25/2011  
REVIEW CLOSED: 10/30/2011

MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORDINATOR  
DEPT OF CULTURAL RESOURCES  
STATE HISTORIC PRESERVATION OFFICE  
MSC 4617 - ARCHIVES BUILDING  
RALEIGH NC



REVIEW DISTRIBUTION

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DEPT OF AGRICULTURE  
DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation  
TYPE: National Environmental Policy Act  
Draft Environmental Impact Statement

DESC: Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

CROSS-REFERENCE NUMBER: 06-E-4220-0107

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☒ NO COMMENT ☐ COMMENTS ATTACHED

SIGNED BY:

*Renee Gledhill-Earley*

DATE:

*9/26/11*



SEP 12 2011



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

MEMORANDUM

TO: Zeke Creech  
State Clearinghouse

FROM: Melba McGee  
Project Review Coordinator

RE: 12-0061 DEIS - Proposed SR 1409 Extension and US 17  
Improvements in New Hanover and Pender Counties

DATE: October 26, 2011

The Department of Environment and Natural Resources has reviewed the proposed project.

The department asks that the Department of Transportation continue to work directly with our commenting agencies during the NEPA Merger Process and take all practicable measures to minimize environmental impacts. This will help avoid delays at the permit phase.

Thank you for the opportunity to comment on this project.

Attachments





North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

MEMORANDUM

**TO:** Melba McGee, Environmental Coordinator  
NCDENR Office of Legislative & Intergovernmental Affairs

**FROM:** Steve Sollod, DCM Transportation Project Coordinator *SS*

**CC:** Doug Huggett, DCM  
Brad Shaver, USACE  
Gregory J. Thorpe, NCDOT

**DATE:** October 19, 2011

**SUBJECT:** State Clearinghouse Review  
Draft Environmental Impact Statement Comments  
Proposed SR 1409 (Military Cutoff Road) Extension and Proposed US 17 Hampstead Bypass, New Hanover and Pender Counties, TIP Projects U-4751 and R-3300  
Project Review No. 12-0061

The North Carolina Division of Coastal Management (DCM) has reviewed the Draft Environmental Impact Statement of the above referenced project, which was submitted to the NC State Clearinghouse for intergovernmental review. Comments on this environmental document were also requested by the NC Department of Transportation (NCDOT) and the US Army Corps of Engineers (USACE). DCM is responding to the NCDOT and USACE by copy of this memorandum. We appreciate the opportunity to review this document and provide comments relative to the NC Coastal Management Program.

Upon review of the document we offer the following comments:

**S.7 Action Required by Other State and Federal Agencies**

DCM has concluded that the proposed project will not impact a Coastal Area Management Act (CAMA) Area of Environmental Concern (AEC) as defined by the rules of the NC Coastal Resources Commission. Therefore, the proposed project will not require a CAMA Permit. It is correctly stated that the project will require a Federal Consistency Determination. As a point of clarification, the applicant (NCDOT) is required to evaluate the proposed project and certify to DCM and USACE that the project is consistent with the NC Coastal Management Program. This Consistency Certification includes a review of the state's coastal program (including the applicable CAMA Land Use Plans) and contains an analysis describing how the proposed project would be consistent, to the maximum extent feasible, with the state's enforceable coastal policies as mandated by the requirements of Federal Consistency (15 CFR 930). No federal license or permit shall be issued by a federal agency until the requirements of Federal Consistency have been satisfied. DCM will issue a public notice and circulate



the Consistency Certification with its accompanying supporting documentation to state agencies with potential interest in the project. Upon an internal review of NCDOT's written analysis of how the project is consistent with the NC Coastal Management Program and the comments received, DCM will either concur with NCDOT's Consistency Determination or find that the project is not consistent. The Final EIS should include an analysis of the project under Federal Consistency (15 CFR 930).

#### **4.5.3.1.1 Wells**

Alternative M2 would impact an additional two existing Cape Fear Public Utility Authority well sites than alternative M1. M2 would also impact several anticipated future Cape Fear Public Utility Authority well sites. The future well sites were selected based upon aquifer access, anticipated yields, and areas which protect well heads from contamination. It is estimated that up to six million gallons per day of future New Hanover County water capacity could be lost if alternative M2 is selected. Perhaps Table 2-3, Comparison of Current Detailed Study Alternatives, should include the "Public Water Supply Wells" feature to reflect the difference in alternatives M1 and M2.

#### **2.4.2.2.1 Hampstead Bypass Typical Sections**

DCM is concerned with the large amount of wetland impacts of the project. The proposed alternatives E-H, O, and R, from the US 17 Wilmington Bypass to NC 210, are configured with six 12-foot lanes. Based upon NCDOT's traffic projections, six lanes are required to accommodate future traffic volume in this section. There is no indication whether these projections accounted for seasonal fluctuation due to beach traffic. Only four lanes are proposed for the section from NC 210 to the existing US 17, in order to minimize RCW habitat impacts. Both of these sections are proposed with a 46-foot median and 14-foot outside shoulders. The proposed design includes 14-foot inside shoulders for alternatives E-H, O, and R, from the US 17 Wilmington Bypass to NC 210. If six lanes cannot be reduced to four lanes to reduce wetland impacts, perhaps the median and/or shoulder widths could be reduced. According to NCDOT's Roadway Design Manual, it appears that the use of a 22' width median with concrete barrier on new location or widening projects may be used for those freeway projects that have significant environmental constraints that prohibit or restrict the use of the 46' or wider median. NCDOT's Roadway Design Manual also appears to indicate that freeways may use 10-foot shoulders or 12-foot shoulders when truck DHV exceeds 500. Perhaps the shoulder widths could be reduced. The reduction in median and/or shoulder widths can go a long way to reduce wetland impacts.

#### **4.6.2 Evaluation of Cumulative Effects**

Reference is made that the use of Best Management Practices will minimize adverse effects in areas of environmental concern. Rather than the term "areas of environmental concern", the term "surface waters" or "water bodies", should be used as a more accurate term, as "areas of environmental concern" is terminology used by DCM as specially designated areas not occurring in this project's study area.



### **5.1.2 Other Agency Coordination**

A list of federal, state, and local agencies indicates with an asterisk (\*) which agencies provided comments to the project scoping letter. DCM is not indicated as having provided scoping comments. It should be noted that DCM provided scoping comments in response to the request for comments from the NC State Clearinghouse for Intergovernmental Review. Those comments are attached to this document and should be included in the Final EIS.

We hope that you find these comments helpful. If you have any questions or concerns, please contact me at (919) 733-2293 x 230, or via e-mail at [steve.sollod@ncdenr.gov](mailto:steve.sollod@ncdenr.gov). Thank you for your consideration of the North Carolina Coastal Management Program.



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

October 13, 2011

**MEMORANDUM**

To: Melba McGee, Environmental Coordinator, Office of Legislative and Intergovernmental Affairs

From: David Wainwright, Division of Water Quality, Central Office *DWA*

Subject: Comments on the Draft Environmental Impact Statement related to proposed SR 1409 (Military Cutoff Road) extension and the proposed Hampstead Bypass (US 17), New Hanover and Pender Counties, State Project No. 4091.1.2, TIPs R-3300 and U-4751, State Clearinghouse Project No. 12-0061.

This office has reviewed the referenced document dated July 2011. The NC Division of Water Quality (NCDWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, and other surface waters. NCDWQ offers the following comments based on review of the aforementioned document:

**Project Specific Comments:**

1. This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, NCDWQ will continue to work with the team.
2. Review of the project reveals the presence of surface waters classified as SA: High Quality Waters of the State in the project study area. This is one of the highest classifications for water quality. Pursuant to 15A NCAC 2H .1006 and 15A NCAC 2B .0224, NCDOT will be required to obtain a State Stormwater Permit prior to construction except in North Carolina's twenty coastal counties.
3. Review of the project reveals the presence of surface waters classified as SA: Outstanding Resource Waters of the State in the project study area. The water quality classification of SA: ORW is one of the highest classifications in the State. The NCDWQ is extremely concerned with any impacts that may occur to streams with this classification. It is preferred that these resources be avoided if at all possible. If it is not possible to avoid these resources, the impacts should be minimized to the greatest extent possible. Given the potential for impacts to these resources during the project implementation, NCDWQ requests that NCDOT strictly adhere to North Carolina regulations entitled "Design Standards in Sensitive Watersheds" (15A NCAC 04B .0124) throughout design and construction of the project. Pursuant to 15A NCAC 2H .1006 and 15A NCAC 2B .0224.

Transportation Permitting Unit  
1650 Mail Service Center, Raleigh, North Carolina 27699-1650  
Location: 512 N. Salisbury Street, Raleigh, North Carolina 27604  
Phone: 919-807-6300; FAX: 919-807-6494  
Internet: <http://portal.ncdenr.org/web/wq>

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North Carolina  
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4. It is stated that there are no waters in the project area that are listed on the 303(d) list. However, it is not stated from which 303(d) list this information was derived. This should be based on the most recent list, which would be from 2010. The 2010 303(d) list has all waters in the state listed as impaired based on a statewide fish consumption advisory due to elevated mercury levels. If the 2010 list was not used, there may be other listings that are not included in the document; this information should be verified.
5. Section 3.1 (Human Environment) makes reference to a Qualitative Indirect and Cumulative Effects Assessment dated June 2009. The NCDWQ has not had a chance to review this information and requests a copy of the Assessment.
6. The NCDWQ encourages the NCDOT to investigate any potential for onsite mitigation to offset the impacts of the project.
7. The "Travel Demand Management" (TDM) section concludes by stating that "TDM improvements would not add new lanes or provide alternative routes or means of travel to existing roadways." The Purpose Statement for the project does not specifically state that adding new lanes, providing alternative routes, or adding means of travel within the project area are the purpose of the project. With respect to TDM, the focus would be reducing traffic, especially during weekday peak travel times. With a reduction in traffic, the safety should increase on Market Street and the reduction in traffic would also reduce the need to increase the carrying capacity of the street. However, TDM is based on enough employers allowing such flexibility in work schedule combined with enough employees partaking of the flexibility. It is doubtful that the combination of the two would reduce traffic enough such that a noticeable decrease in crashes and traffic would occur.

**General Comments:**

8. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
9. Environmental impact statement alternatives should consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives should include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ's *Stormwater Best Management Practices Manual*, July 2007, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
10. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands and streams to the maximum extent practical. In accordance with the Environmental Management Commission's Rules (15A NCAC 2H.0506[h]), mitigation will be required for impacts greater than 1 acre of wetlands or impacts to more than 150 feet of any single jurisdictional stream. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
11. Future documentation, including the 401 Water Quality Certification Application, should continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
12. The NCDWQ is very concerned with sediment and erosion impacts that could result from this project. The NCDOT should address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.

- 7
13. The NCDOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
  14. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into streams or surface waters.
  15. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an Individual Permit (IP) application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.

NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact David Wainwright at (919) 807-6405.

cc: Brad Shaver, US Army Corps of Engineers, Wilmington Field Office  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Travis Wilson, NC Wildlife Resources Commission (electronic copy only)  
Steve Sollod, Division of Coastal Management  
Mason Herndon, NCDWQ Fayetteville Regional Office  
File Copy



DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF WATER RESOURCES  
PUBLIC WATER SUPPLY SECTION

Inter-Agency Project Review Response

Project Number  
12-0061

County  
New Hanover,  
Pender

Project Name US Army Corps of Engineers  
Wilmington District

Type of Project Draft Environmental  
Impact Statement -  
Proposed SR 1409  
(Military Cutoff Rd)  
Extension and proposed  
US 17 Hampstead Bypass

Comments provided by:

- ☒ Regional Program Person Hiedi Lane Cox  
☒ Regional Supervisor for Public Water Supply Section  
☐ Central Office program person

Name Debra Benoy-Wilmington RO

Date 09/09/2010

Telephone number: 910 796-7215

Program within Division of Water Resources:

- ☒ Public Water Supply  
☐ Other, Name of Program: \_\_\_\_\_

Response (check all applicable):

- ☐ No objection to project as proposed  
☐ No comment  
☐ Insufficient information to complete review  
☐ Comments attached  
☒ See comments below

Want to make you aware that the purple proposed line goes through the wellfield for CFWA/MHC water system, which contains 20 wells. This water system may lose the use of some of these wells depending on the actual location(s) of the road. Public water supply wells must have a 100' radius that are owned or controlled by the system to allow use and must maintain access to the sites. Flooding of the sites is not allowed so please keep that in mind when designing roads near these sites. It also appears that maybe the road and noise barriers J3+34 might be located directly over an existing 16" potable transmission main and/or a 12" raw water transmission main. You might want to get an exact location from CFWA.

Return to:

Public Water Supply Section  
Environmental Review Coordinator for the  
Division of Water Resources



DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF WATER RESOURCES  
PUBLIC WATER SUPPLY SECTION

|  |
|--|
| Project Number<br><b>12-0061</b>         |
| County<br><b>New Hanover,<br/>Pender</b> |

Inter-Agency Project Review Response

Project Name US Army Corps of Engineers  
Wilmington District

Type of Project

Draft Environmental Impact  
Statement - Proposed SR  
1409 (Military Cutoff Rd)  
Extension and proposed US  
17 Hampstead Bypass

- ☐ The applicant should be advised that plans and specifications for all water system improvements must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction (as required by 15A NCAC 18C .0300et. seq.). For information, contact the Public Water Supply Section, (919) 733-2321.
- ☐ This project will be classified as a non-community public water supply and must comply with state and federal drinking water monitoring requirements. For more information the applicant should contact the Public Water Supply Section, (919) 733-2321.
- ☒ If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.
- ☒ For Regional and Central Office comments, see the reverse side of this form.

Jim McRight

Review Coordinator

PWSS

Section/Branch

09/09/2011

Date



North Carolina Department of Environment and Natural Resources  
**Office of Conservation, Planning, & Community Affairs**

Beverly Eaves Perdue, Governor


Linda Pearsall, Director

Dee Freeman, Secretary

October 19, 2011

**MEMORANDUM**

TO: Melba McGee, DENR Environmental Coordinator

FROM:  Harry LeGrand, Natural Heritage Program

SUBJECT: Draft EIS – Proposed SR 1409 (Military Cutoff Road) Extension and Proposed US 17  
Hampstead Bypass; New Hanover and Pender counties

REFERENCE: 12-0061

This project likely will cause considerable environmental impacts, to wetlands, wildlife habitat, rare species, and possible natural areas. Many of these impacts will likely be secondary, as a result of habitat fragmentation through placement of a limited access highway through undeveloped lands. It is unfortunate that our Program, and perhaps most others in the Department, has not been contacted for Scoping comments; no such letters appear to be included in the document.

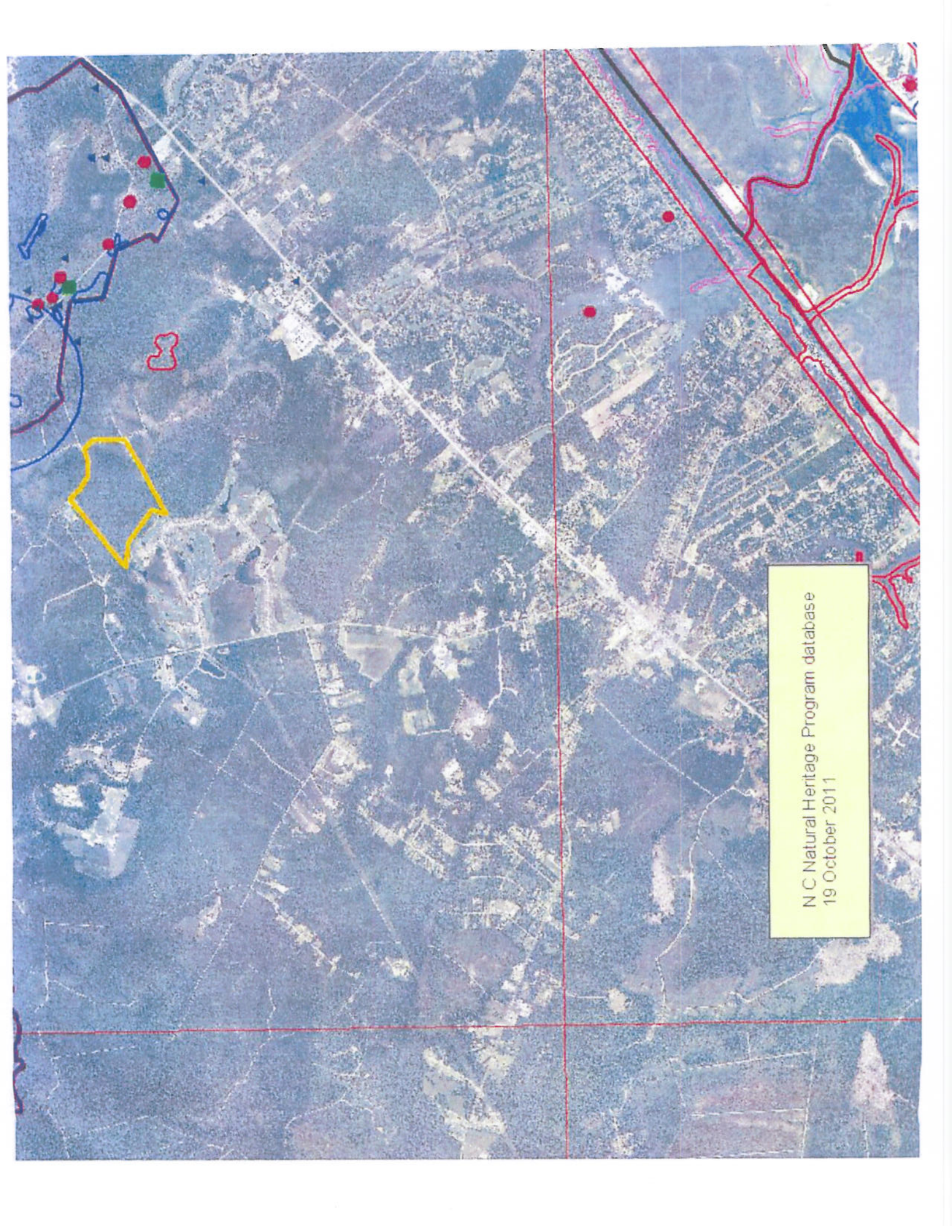
Enclosed are two maps showing the significant natural resources in the project area. The northern half of the project – from about a mile northeast of Sidbury Road to the connection with US17 northeast of Hampstead – appears to avoid significant natural resources. The western of the two alignments (red on Figure S-1), appears to better avoid Blake Savanna (green polygon north of Sidbury Road) and Sidbury Road Savanna (black polygon south of Sidbury Road). This red alternative also better avoids the NC DOT mitigation areas (maroon-brown polygons along the Wilmington Bypass), passing just to the west of them. The continuation of the red route south of the Wilmington Bypass (blue line on Figure S-1) also does a better job of avoiding significant natural resources than does the more eastern purple route on the figure.

In summary, the most western of the combined routes appears to do the least impacts to significant natural heritage areas, rare species, and conservation areas. However, it is very important that the NC DOT continue to conduct Section 7 consultations with the US Fish and Wildlife Service regarding potential impacts to Federally listed species such as the Red-cockaded Woodpecker (*Picoides borealis*), roughleaf loosestrife (*Lysimachia asperulifolia*), and Cooley's meadowrue (*Thalictrum cooleyi*), as indicated in the DEIS.

Please do not hesitate to contact me at 919-715-8697 if you have questions or need further information.

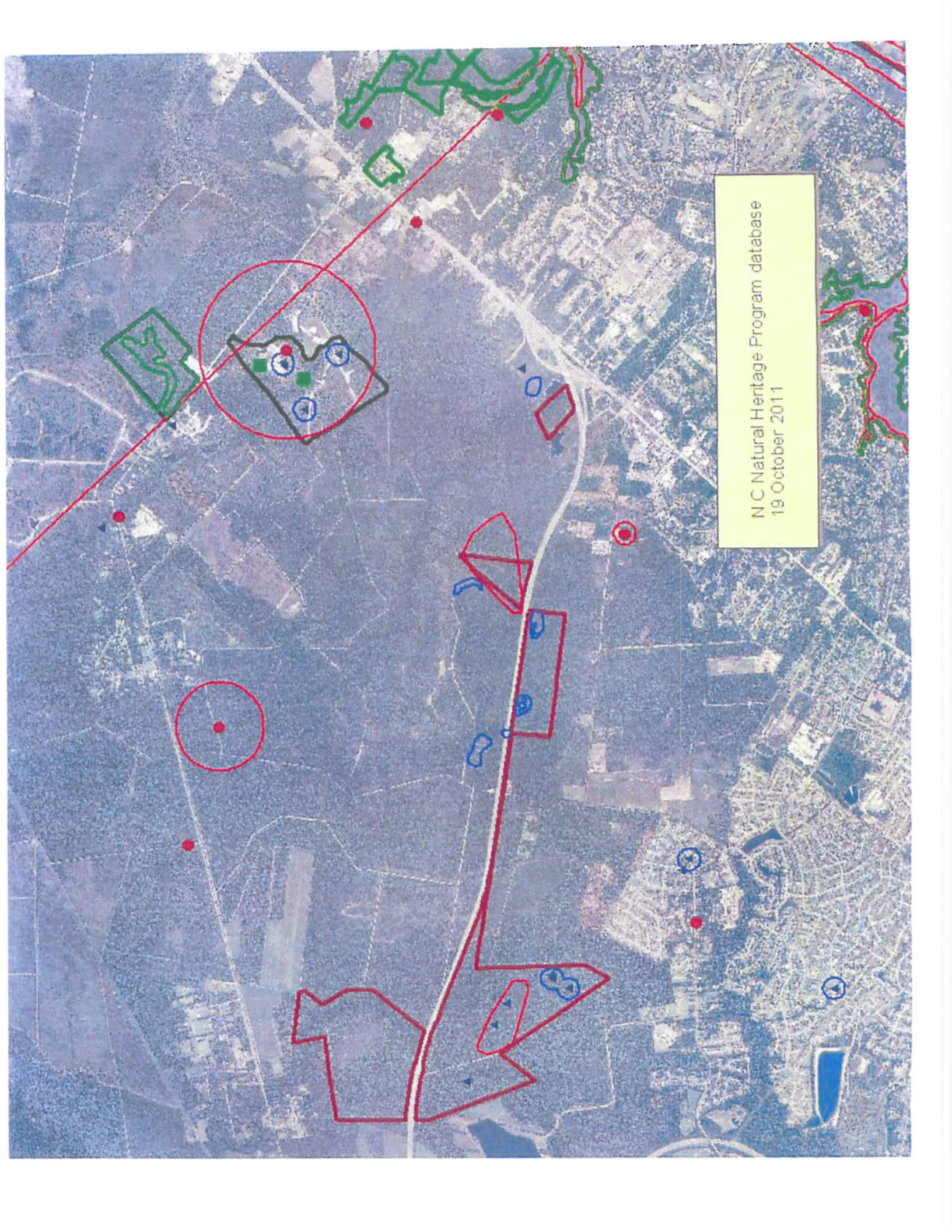
Enclosures



An aerial photograph of a landscape, likely a wetland or coastal area, with various colored overlays. A yellow outline highlights a specific area on the left. Red lines and dots are scattered across the map, particularly along the top and right edges. A blue line is visible on the left side. A text box in the bottom right corner contains the following text:

N.C. Natural Heritage Program database  
19 October 2011

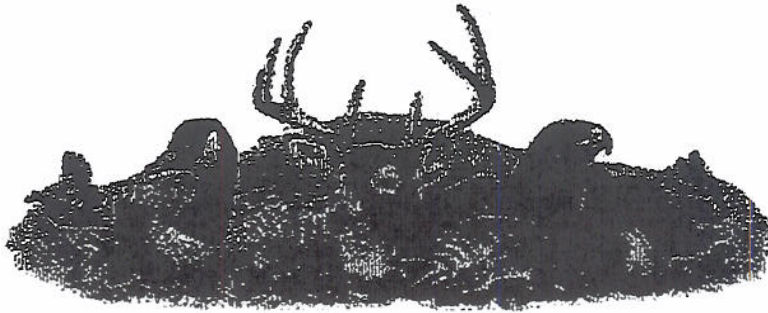




N.C. Natural Heritage Program database  
19 October 2011

This is an aerial photograph of a landscape, likely a rural or semi-rural area, with various colored overlays and markers. A prominent red line runs diagonally from the top left towards the center. Several green-outlined shapes are visible, including a large one in the upper left and a smaller one in the upper right. A black-outlined polygon is located in the center-left, containing several blue circles and a red dot. A large red circle is positioned in the lower-left quadrant. A red-outlined polygon is situated in the lower-center. Numerous blue circles and red dots are scattered across the map, particularly along the red line and within the black-outlined polygon. The background shows a mix of brown and green patches, suggesting fields and vegetation.






## North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

### MEMORANDUM

**TO:** Melba McGee  
Office of Legislative and Intergovernmental Affairs, DENR

**FROM:** Travis Wilson, Highway Project Coordinator  
Habitat Conservation Program 

**DATE:** October 19, 2011

**SUBJECT:** North Carolina Department of Transportation (NCDOT) State Draft  
Environmental Impact Statement (DEIS) for the proposed SR 1409 extension and  
the proposed improvements to US 17 in New Hanover and Pender Counties,  
North Carolina. TIP Nos. U-4751 and R-3300 SCH Project No. 12-0061

Staff biologists with the N. C. Wildlife Resources Commission have reviewed the subject DEIS and are familiar with habitat values in the project area. The purpose of this review was to assess project impacts to fish and wildlife resources. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

Two projects have been combined and are included in the DEIS. For project U-4751 the NCDOT is proposing to extend Military Cutoff Road from Market Street to the US 17 Bypass, and R-3300 consist of improvements to US 17 from the exist US 17 Bypass north to include a bypass of Hampstead. The projects are being planned under the NEPA/Section 404 Merger 01 process. WRC is represented in this process and comments provided in conjunction with this process have been documented. However the impacts associated with the remaining alternatives are substantial and continued efforts to avoid and minimize impacts are necessary. Specific impacts of concern are:

- Impacts to the Corbett and Plantation Road mitigation sites, these sites and associate tracts provide compensatory mitigation as well as serve as conservation areas for sensitive plants species. Not only are direct impacts to these sites a concern, but also indirect impacts resulting from road and development proximity that may further limit the



U-4751 and R-3300

Page 2

October 19, 2011

ability to manage these sites. Impacts to the areas should be avoided or further minimized.

- Direct impacts to Holly Shelter Game land have been avoided; however indirect impacts as a result of constructing these improvements in close proximity to Holly Shelter may restrict the ability for WRC to manage portions of this area with prescribed burning, this issue is not mentioned in the indirect and cumulative effects section of the document.
- Impacts to the Red-cockaded woodpecker (*Picoides borealis*) continue to be assessed; continued coordination should result in the further reduction of impacts to RCW habitat.
- Stream and wetland impacts with all remaining alternatives are significant; however we anticipate further avoidance and minimization of these resources.

This project will continue to go through the NEPA/Section 404 Merger process, and additional agency coordination will occur through the remaining concurrence points. Thank you for the opportunity to comment. If we can be of further assistance please call me at (919) 528-9886

cc: Gary Jordan, USFWS  
David Wainwright, DWQ  
Brad Shaver, USACE  
Chris Militscher, EPA



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

January 7, 2014

Richard W. Hancock, PE  
Project Development & Environmental Analysis  
N.C. Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Dear Mr. Hancock:

The U.S. Fish and Wildlife Service (Service) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed SR 1409 (Military Cutoff Road) Extension and proposed US 17 Hampstead Bypass, New Hanover and Pender Counties, North Carolina (TIP No. U-4751 and R-3300). Given the upcoming formal consultation under Section 7 of the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531-1543), the Service offers the following comments regarding federally threatened and endangered species.

As you know, the Service has been actively involved for several years in early coordination on this project through the combined NEPA/404 Merger Process, and many of our previous comments and recommendations are reflected in the SDEIS. Since the July 2011 release of the Draft Environmental Impact Statement (DEIS), a preferred alternative has been selected and project design changes have occurred. These project design changes include an additional interchange and additional road lanes at the northern end of the project. This SDEIS describes and provides justification for those changes. In addition, the SDEIS provides information on potential service roads that was not included in the DEIS.

As stated in the SDEIS, the Service concurred with the selection of alternative M1+E-H as the Least Environmentally Damaging Practicable Alternative (LEDPA) selected on May 17, 2012. We supported M1+E-H as the LEDPA primarily because it has the least impacts to federally threatened and endangered species. Since the selection of the LEDPA, further refinements in the location and design of the northern interchange have occurred. With regard to the northern interchange, the Service supports the conclusions of the SDEIS. Specifically, we support the current reduced design of the northern interchange which minimizes adverse effects to the federally endangered red-cockaded woodpecker (RCW, *Picoides borealis*).

Despite substantial and successful efforts to minimize adverse effects to RCWs, it appears that the current project design would still likely require an unavoidable take of one active RCW group. This one RCW group is part of the Coastal North Carolina Primary Core Recovery Population within the Mid-Atlantic Coastal Plain Recovery Unit. Given the fact that the Coastal North Carolina Primary Core Population is still far from achieving its minimum size required for delisting (350 potential breeding groups), the loss of even one potential breeding group is



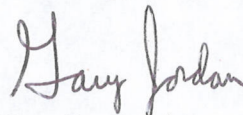
significant. We continue to emphasize the serious nature of addressing the loss of this one group in the upcoming additional coordination that is referred to in the SDEIS.

The Service acknowledges that, as a result of minimization of impacts to RCWs, additional impacts to wetlands will be incurred. Although the Service has a vested interest in conserving wetlands, we believe that it is justifiable to incur additional wetland impacts in order to reduce the level of take on RCWs down to just one group. In conjunction with NCDOT's proposed acquisition and restoration of habitat adjacent to Holly Shelter Game Land, the current project design would likely not preclude Holly Shelter Game Land from reaching its RCW recovery goals in the long term. However, selecting an alternative with fewer wetland impacts but with a higher level of take of RCWs may preclude Holly Shelter from reaching its recovery goals and would weigh heavily in the Service's jeopardy analysis in the upcoming formal Section 7 consultation. The Service would also object to the issuance of a Section 404 permit for an alternative with a take of more than one RCW group. We believe successful compensatory mitigation for wetland impacts is much easier to obtain than offsetting impacts to RCWs. Opportunities to offset impacts to RCWs are substantially fewer than opportunities to mitigate for wetlands. RCWs are a much more limited resource than are wetlands.

In Section 5.6.4.3 the SDEIS states that the project likely will adversely affect the federally endangered rough-leaved loosestrife (*Lysimachia aesperulaefolia*). While this may ultimately prove to be the case, the Service believes that refinements in final design could possibly avoid adverse effects to this species, thus avoiding formal Section 7 consultation for rough-leaved loosestrife. We will continue to provide input on this issue through the Merger Process.

The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,

  
for Pete Benjamin  
Field Supervisor

Electronic copy: Jay McInnis, NCDOT, Raleigh, NC  
Kim Gillespie, NCDOT, Raleigh, NC  
Rachelle Beauregard, NCDOT, Raleigh, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Chris Militscher, USEPA, Atlanta, GA  
David Wainwright, NCDWR, Raleigh, NC  
Steve Sollod, NCDCM, Raleigh, NC





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

*McHarris/Gillogpie*

Date: December 16, 2013

Mr. Richard W. Hancock, P.E.  
Manager, Project Development and Environmental  
Analysis Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

SUBJECT: EPA Review Comments of the Federal Supplemental Draft Environmental Impact Statement for the Proposed US 17, Hampstead Bypass and Military Cutoff road Extension, New Hanover and Pender Counties, TIP Nos.: R-3300 and U-4751; **CEQ No.: 20130317; COE-E40842-NC**

Dear Mr. Hancock:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject document and is providing comments in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The North Carolina Department of Transportation (NCDOT) and the U.S. Army Corps of Engineers (USACE) propose to construct a 17.8 mile multi-lane facility on new location with an additional interchange for the previously selected US 17 alternative and potentially 5.2 miles of recommended service roads.

EPA is a participating member of the NEPA/Section 404 Merger team for this proposed project. EPA provided review comments to the DEIS on November 15, 2011, and rated the document alternatives with Environmental Objections (EO-2), for Alternatives E-H+M1, O+M2, R+M1, U+M1, and U+M2. EPA rated Alternative U as Environmental Concerns (EC-2). On February 28, 2012, EPA provided supplemental DEIS report comments concerning the proposed impacts to public water supply groundwater wells associated with the proposed project. Following the Merger team Least Environmentally Damaging Preferred Alternative (LEDPA) /Concurrence Point 3 meeting held on May 15, 2013, for the US 17 portion of the project, the NCDOT and USACE proposed substantial modifications to E-H+M1. The NCDOT and USACE preferred alternative is now M1+E-H Option 6TR. EPA provided an NEPA/Section 404 Merger process abstention brief on May 15, 2013, outlining the continued environmental concerns regarding the E-H Alternative and the additional modifications being made to the project design. EPA's additional technical comments are attached in Attachment A to the letter (See Attachment A). EPA has also provided additional information concerning EPA's activities in the Merger team process in another attachment (See Attachment B).

In summary, EPA has continued environmental concerns (EC) for Alternative M1 for the Military Cutoff Road Extension portion of the project due to potential impacts to the wellhead



protection area for the Nano Water Treatment facility. EPA recognizes the measures taken to avoid direct impacts to several of the wellheads by shifting the alignment for M1. However, the proposed project commitments for future coordination with the Cape Fear Public Utility Authority with respect to potential future contamination issues to the wellhead protection area resulting from a hazardous material spill should be strengthened. For the preferred alternative, M1+E-H with Option 6TR, substantial impacts remain to: jurisdictional wetlands and streams including ORW and HQW, historic resources, noise receptors, prime farmlands, endangered species, terrestrial forests, residences and businesses, cemeteries, the Pender County Recycling Center, the Topsail High wastewater treatment plant, and hazardous material sites. Therefore, for Alternative E-H and for Alternative M1+E-H with option 6TR we continue have environmental objections. We request that the FEIS provide additional information on noise receptor impacts, prime farmland, endangered species, compensatory mitigation for wetlands and streams. The inclusion of 5.2 miles of service roads to the preferred alternative should also be made clear to the Merger team prior to the issuance of the FEIS. See Attachment A for further discussions of issues that should be addressed in the FEIS and ROD.

Please contact Mr. Christopher Militscher of my staff at [miliischer.chris@epa.gov](mailto:miliischer.chris@epa.gov) or 404-562-9512 if you have any questions concerning these comments.

Sincerely,



Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Environmental Accountability

Attachments A and B

Cc: S. McClendon, USACE, w/attachments  
B. Shaver, USACE, w/attachments  
M. Herndon, NCDENR w/attachments  
G. Jordan, USFWS w/attachments

**Attachment A**  
**Detailed Technical Comments**  
**Supplemental Draft Environmental Impact Statement**  
**US 17, Hampstead Bypass and Military Cutoff Road Extension, New Hanover and Pender**  
**Counties, TIP Nos.: R-3300 and U-4751**

**Purpose of this Document**

There are several statements in this section of Supplemental Draft Environmental Impact Statement (SDEIS) that should be clarified. On page 1-1, the SDEIS states: "*The Merger Team's LEDPA decision involves the selection of a corridor, not a specific project design.*" The LEDPA decision is based upon the alternative's impacts from the proposed project design within the corridor plus 25 feet for construction slope stakes. The corridor (typically 500 to 1,000 feet for new location multi-lane highways) preliminary impacts are utilized in the Merger process for Concurrence Point (CP) 2, selection of the Detailed Study Alternatives (DSAs). During the CP 4A meeting, EPA's Merger Team representative clearly articulated this issue and that the NCDOT's and USACE's proposed changes to the LEDPA, including the addition of a new interchange and increasing from a 4-lane to a 6-lane facility, the need for additional right-of-way beyond what was shown at the LEDPA meeting, and the substantial increases to jurisdictional resources, required a re-assessment of the July 2011 DEIS. The NCDOT's and USACE's proposed design changes following the corridor/design public hearing were presented to the Merger team after the LEDPA had been selected by the Merger team agencies (Please refer to the 2005 Merger Guidance Manual, Process I – Projects on New Location, pages 11-12).

The SDEIS also 'presents information' related to potential service road locations currently under study for Military Cutoff road Extension and US 17 Hampstead Bypass. There are additional jurisdictional impacts associated with these proposed service roads that were not disclosed or addressed during the May 2012 LEDPA concurrence meeting. Some of these service road impacts are substantial, including the 2 service roads NCDOT and the USACE currently propose as being 'cost-effective': SR 1 and SR 4. SR 4 results in an additional 2.71 acres of wetland impacts, 1,170 linear feet of stream impacts, and 1.17 acres of terrestrial forest impacts. There is no rationale provided as why these 2 service roads are cost-effective while the other 12 service roads are not cost-effective. Section 4.4 of the SDEIS explains that potential service road locations could not be identified ("*In the case of this project, potential service road locations could not be identified and the service road studies conducted in time to discuss this information with the Merger team.*") but does not provide the appropriate reason 'why' this impact information was not available at the CP 4A meeting.

This section of the document refers the reader to Section 4.5 and the 'Validity of Merger Team LEDPA Decision'. Table 5 in this section of the SDEIS provides a generalized table of impacts comparing the DEIS DSA. However, the second footnote of this table indicates that relocations ('displacements') were calculated to reflect changes associated with the northern interchange Option 6TR only. It also states that changes in impacts as a result of avoidance and minimization measures elsewhere along the project are not included in the table. There is no

rationale why this method of comparing impacts was performed in this manner. Moreover, as stated: *“The table shows an increase or decrease in impacts to environmental features for the detailed study alternatives with Option 6TR incorporated into the design of each alternative”*. This assessment method of comparing the LEDPA to the other DSAs with the inclusion of the additional interchange and 6-lanes into each of the other DSAs is potentially pre-decisional. Alternative U had other interchanges (5 between Futch Creek Road and Jenkins Road) in its design that could alter the traffic projections for north of Topsail High School.

Section 4.5 also states that the changes now proposed for DSA M1+E-H with Option 6TR does not invalidate the Merger Team’s concurrence on that alternative as LEDPA. This claim is not supported by the 2005 Merger Guidance Manual, Concept of Concurrence, on page 2, where a re-evaluation of concurrence might include a ‘discovery of an impact, resource, or additional information that was not previously identified or did not previously exist’. Section 4.5 also states: *“....that the final decision on LEDPA will not be made until after the USACE has applied the Section 404(b)(1) guidelines to a submitted permit application and completed the public interest review process for the proposed project.”* The statement on Page 4-5 concerning the final selection by the USACE of either M1+E-H with Option 6TR or the original M1+E-H as the future permitted LEDPA should be clarified in the FEIS.

### **Changes to the DEIS Impacts**

#### **Jurisdictional Wetlands and Streams**

Table S-1 includes the comparison of DSA M1+E-H with Option 6TR or the original M1+E-H from the DEIS. This table includes the avoidance and minimization efforts applied to the LEDPA (original M1+E-H). It should be noted that from the Merger team LEDPA decision, the impacts after avoidance and minimization actually increased for wetlands (248.15 acres vs. 246.05) and decreased for streams (22,379 linear feet vs. 24,531 linear feet). It should also be noted from Table S-1 that residential and business relocations significantly were reduced by avoidance and minimization measures from the DEIS M1+E-H LEDPA to the M1+E-H with Option 6TR (Preferred) alternative from 61 and 84 vs. 53 and 39, respectively.

Table S-1 also includes the additional impacts from 5.2 miles of service roads S1 and S4 resulting in additional impacts to jurisdictional resources. Wetland impacts increased 16.89 acres and stream impacts 1,343 linear feet. There are no residential or business relocations associated with the proposed service roads.

For the total project as proposed, wetland impacts are now estimated at 265.04 acres for 17.82 miles of multi-lane highways and 5.2 miles of service roads. Stream impacts in total have increased from the LEDPA to 23,722 linear feet. Based upon Tier I Merger Performance Measure baseline data from 2004-2011, the current project’s preferred alternative has 11.52 acres of wetland impacts per mile or more than 4 times (400%) the accumulated baseline impact of 2.7 acres/mile for a New Location Eastern project. Similarly, the 23,722 linear feet of stream impacts or approximately 1,000 linear feet/mile is more than 3 times (300%) the typical Eastern Merger stream impact per mile of approximately 300 linear feet/mile. The 11.52 acres/mile of wetlands impact and the 1,000 linear feet/mile of stream impact represent one of the highest



observed Eastern project jurisdictional impacts per mile for a roadway facility. The sufficiency of the effort to avoid and minimize these jurisdictional impacts needs to be further confirmed.

The proposed project impacts Outstanding Resource Waters (ORW) including tributaries to Howe Creek designated by NCDOT as BDITCH1. Old Topsail Creek and Nixon's Creek are designated Commercial Shellfishing/High Quality Waters (SA; HQW). Tributaries to these streams include those designated by NCDOT as NSA, NSF, NDITCH1 and ZTRIB1. The SDEIS does not quantify the impacts to ORW or SA/HQW or describe how impacts to these aquatic resources were avoided and minimized.

A conceptual compensatory mitigation plan for unavoidable impacts to jurisdictional waters is not provided in the SDEIS. Similar information from the DEIS is included on page 5-20 of the SDEIS (i.e., On-site mitigation opportunities being investigated by the NCDOT and the balance of impacts will be requested through the NC Ecosystem Enhancement Program – NCEEP). Considering the magnitude and intensity of the jurisdictional impacts (i.e., approximately 265 acres and 23,722 linear feet), the FEIS should provide a mitigation plan for the proposed project that is compliant with the 2008 final mitigation rule.

#### Other Natural Resources Impacts

The original M1+E-H alternative in the DEIS included 9.6 acres of impact to High Quality Waters Watershed (HQW, ORW, WS or Critical Areas). The M1+E-H with Option 6TR (Preferred) and service roads the impact has more than doubled at 20.72 acres of impact. Similarly, 100-Year Floodplain and Floodway impacts went from 11.73 acres from the DEIS (and LEDPA) to 28.69 acres for the M1+E-H with Option 6TR (more than double). The Preferred M1+E-H with Option 6TR with service roads increased the 100-Year Floodplain and Floodway impacts to 33.08 acres. Table S-1 in the SDEIS does not provide a breakdown of the 20.09 acres of impacts to HQW, ORW or Water Supply protected or critical areas.

Terrestrial forest impacts increased from the DEIS from 512.12 acres to 521.59 acres for the preferred M1+E-H with Option 6TR alternative. The service roads will contribute an additional 31.39 acres to total 552.98 acres (0.84 of a square mile) for M1+E-H with Option 6TR with service roads.

The preferred alternative M1+E-H with Option 6TR is anticipated to impact 4.41 acres of Natural Heritage Program Significant Natural Heritage Areas (NHP-SNHA) and Wetland Mitigation Sites that were created and preserved by the NCDOT to address compensatory mitigation needs for the I-140/US 17 Wilmington Bypass project. The impact was reduced by the transportation agencies from the DEIS stage by 0.02 acres

The proposed project is expected to 'take' 1 cluster of the Federally-protected endangered species Red-Cockaded Woodpecker (RCW). The transportation agencies revised the original LEDPA design of the northern interchange to potentially avoid an additional RCW 'take' (Page 5-22). As stated in EPA's letter on the DEIS, EPA defers to the USFWS (and NCWRC) on matters pertaining to Section 7 of the Endangered Species Act (ESA). EPA is requesting copies



of the Biological Assessment and Biological Opinion upon their issuance for NEPA and Clean Water Act Section 404 documentation purposes.

### Human Resources Impacts

Residential and business relocations were significantly reduced by NCDOT and USACE avoidance and minimization measures from the DEIS M1+E-H LEDPA to the M1+E-H with Option 6TR (Preferred) alternative from 61 and 84 vs. 53 and 39, respectively. Residential relocations (displacements) were reduced by more than 13%. Business relocations have been reduced by more than 53%. EPA acknowledges that 4 non-profits were broken out from the DEIS business relocations to a separate category in Table S-1. EPA recognizes that these numbers are different than those presented in Table 2 of the SDEIS and was presented to the Merger team at the May 2012 LEDPA meeting. Table 2 shows that there were 64 residences, 76 businesses and 5 non-profits for M1+E-H (DEIS DSA and LEDPA). NCDOT and USACE may wish to discuss in the FEIS why similar avoidance and minimization efforts were not fully employed for other DSAs that were considered in the DEIS in comparison to the M1+E-H LEDPA and M1+E-H with Option 6TR alternative.

Table S-1 indicates that the LEDPA M1+E-H has 0 impacts to archeological sites. However, there is a note for M1+E-H option 6TR (Preferred), service roads and M1+E-H option 6TR with service roads that archeological surveys are underway and will not be completed or presented until the FEIS. However, Project Commitment #1, page 1 of 4 states that a National Register eligible archeological site was identified (31PD344\*\*) for M1+E-H option 6TR (Preferred) and that an MOU between the USACE, SHPO and NCDOT may be required outlining the mitigation measures for the adverse effect to the site. The information contained in the SDEIS is inconsistent and should be clearly presented and corrected in the FEIS. We defer to the SHPO if a Memorandum of Agreement (MOA) between the USACE, SHPO and NCDOT is required for this archeological site in order to address the mitigation measures..

The USACE is required to address compliance with Section 106 of the National Historic Preservation Act for the adverse effect on the National Register-eligible Mount Ararat AME Church (Pages S-6 and 5-12). An additional MOA between the USACE, SHPO and NCDOT is required outlining mitigation measures for the adverse effect. This unresolved Section 106 issue is not identified in the Project Commitments ('Green Sheets').

Noise receptor impacts have not been updated in the SDEIS. A note is contained in Table S-1 that impacted noise receptors will be evaluated in the final design for the project for M1+E-H option 6TR (Preferred), service roads and M1+E-H option 6TR with service roads. DEIS impacts showed 257 impacted noise receptors for M1+E-H (Tables S-1 and 2). A noise receptor impact comparison for the other DSAs was not conducted in the SDEIS.

The proposed project is expected to impact the Topsail High School wastewater package treatment plant. In addition, the new project design for the northern interchange also impacts the Pender County Recycling Center adjacent to Topsail schools. The new design used reduced design criteria and avoided the water tower located along US 17 adjacent to the Topsail schools. The SDEIS does not indicate how impacts to either the wastewater package treatment plant or

the Pender County Recycling Center will be mitigated for and the potential timing of any actions associated with these mitigation efforts. It is not clear in the SDEIS what comprises the 4 non-profit relocations (Table 7) and if these impacted community facilities are included in this total for the M1+E-H option 6TR (preferred) Alternative.

As with noise receptor impacts, the SDEIS did not provide an update to impacts to prime farmlands which for M1+E-H preferred from the DEIS was approximately 68 acres (The highest impact to prime farmlands of the alternatives considered under the LEDPA). As stated in Table S-1, prime farmland impacts will be updated in the FEIS for M1+E-H option 6TR (preferred). Impacts to prime farmlands from the proposed 5.2 miles of service roads are also not identified.

The proposed preferred alternative (M1+E-H with option 6TR) includes impacts to 3 cemeteries and 5 potential UST/Hazardous material sites.

#### Other Outstanding Issues

The SDEIS indicates that the issue of conservation areas in the project study are unchanged and refers the reader several sections in the DEIS, including the discussions concerning indirect and cumulative effects related to development in Section 4.6 of the DEIS. The NCDOT and USACE now propose a new interchange north of Topsail High School and in close proximity to Holly Shelter Gamelands and other large undeveloped tracts of wetlands and woodlands being utilized by RCW and other wildlife species. This proposed interchange also impacts approximately 20 acres of wetlands. Indirect impacts to water quality can be expected from highway runoff into adjacent remaining wetlands (e.g., PD-38, MWA). It is also contrary to numerous prior development activities in this area of coastal N.C. that a new interchange did not induce additional development in and around a new access point so close to an existing US highway. EPA requests that a full indirect and cumulative effects analysis be prepared for this proposed project and provided in the FEIS.

It is unclear from the SDEIS if the USACE supports the NCDOT's M1+E-H option 6TR alternative (preferred) and if this alternative is considered to be the new LEDPA. EPA requests that the FEIS provide clarification regarding statements in the SDEIS that the original M1+E-H alternative will be the LEDPA if RCW foraging habitat 'ceases to exist' at the time of permitting. The FEIS should identify the LEDPA and the quantified impacts to all human and natural environment resources from the proposed project. The NCDOT proposes to issue a State Record of Decision (SROD) after the FEIS. EPA requests a copy of the State ROD upon its issuance.

**Attachment B**  
**Summary of EPA's Merger Process Issues**  
**Supplemental Draft Environmental Impact Statement**  
**US 17, Hampstead Bypass and Military Cutoff Road Extension, New Hanover and Pender**  
**Counties, TIP Nos.: R-3300 and U-4751**

Summary

As a Partnering Agency to the 2005 NCDOT/USACE/FHWA/NCDENR NEPA/Section 404 Merger Process Memorandum of Understanding (MOU), EPA has been an active participant in the multi-agency, collaborative process. EPA's Merger Team representative conditionally concurred on the LEDPA (M1) for U-4751 due to potential direct impacts to the Cape Fear Public Utility Authority's wellheads and after assurances was provided that these impacts could be avoided. EPA did not concur on Alternative E-H as the LEDPA for R-3300. EPA has further abstained on CP 4A, avoidance and minimization for R-3300 (The EPA abstention briefs are included in the appendix to the SDEIS). Furthermore, many of EPA's detailed comments on the DEIS were not addressed in CP 4A meetings or the SDEIS and are being deferred to the FEIS.

EPA's Merger team representative has continued concerns over the NEPA/Section 404 Merger team process and the opportunities to problem-solve as a team and fully evaluate detailed environmental issues (e.g., the location of all residential and business relocations for DSA U and the specific design assumptions being used for that alternative). These concerns have become much clearer since NCDOT was able to avoid 13% and 59% of the residential and business relocations, respectively, following the LEDPA meeting for alternative M1+E-H. These concerns are further highlighted by the recent meeting scheduled with the NCEEP concerning compensatory mitigation but that the NCDOT has refused to schedule a follow-up meeting that fully assesses the LEDPA M1+E-H compared to M1+E-H option 6TR with service roads and other DSAs (e.g., Alternative U) that were eliminated as the LEDPA. Currently accepted 'CP 4A' measures such as 3:1 side slopes in jurisdictional areas is expected by the EPA Merger team representative to be brought back for revisions in the future due to NCDOT's ultimate desire to raise the grade of the new multi-lane facility by 4 to 6 feet and avoid the use of reportedly 'unsafe' guardrails. This 'late' process issue has come up after CP 4A on numerous coastal highway projects in the last several years. Ultimately, the USACE and other Merger team agencies (except EPA) have agreed to these post-CP 4A design changes and it has resulted in additional wetland and stream impacts.

The USACE is a project proponent and has signed the DEIS and SDEIS as the Lead Federal Agency under NEPA. The USACE is also the Merger Team Project Leader and the primary Federal permitting agency. The USACE has signed the LEDPA concurrence form and had the Merger team signatures on the LEDPA prior to the discovery of a new interchange, constructing a 6-lane facility instead of 4 lanes, and the need for additional service roads. All of these potential changes to the original M1+E-H alternative resulted in additional and substantial jurisdictional impacts. For this reason, EPA's Merger Team representative abstained on CP 4A

and requested that a SDEIS be considered by the transportation agencies. The final LEDPA selection process should be clarified in light of the statement on Page 4-5 concerning the selection by the USACE of either M1+E-H with Option 6TR or the original M1+E-H as the future permitted LEDPA.

There are also unresolved issues concerning endangered species and EPA is requesting that the Merger team be kept informed as to the potential resolution of issues concerning the RCW and other Federally-protected species.





## North Carolina Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

December 10, 2013

Ms. Kim Gillespie  
North Carolina Department of Transportation  
Transportation Building  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

**Re: SCH File # 14-E-4220-0204; DEIS; Supplemental DEIS - Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.**

Dear Ms. Gillespie:

The above referenced environmental impact information has been reviewed through the State Clearinghouse under the provisions of the North Carolina Environmental Policy Act.

Attached to this letter are comments made in the review of this document. The comment(s) need to be addressed in the Final Environmental Impact Statement. This document should be submitted to the State Clearinghouse upon completion for compliance with the North Carolina Environmental Policy Act.

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best

State Environmental Review Clearinghouse

Attachments

cc: Region O

**Mailing Address:**  
1301 Mail Service Center  
Raleigh, NC 27699-1301

**Telephone:** (919)807-2425  
Fax (919)733-9571  
State Courier #51-01-00  
e-mail [state.clearinghouse@doa.nc.gov](mailto:state.clearinghouse@doa.nc.gov)

**Location Address:**  
116 West Jones Street  
Raleigh, North Carolina



## North Carolina Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

January 10, 2014

Ms. Kim Gillespie  
North Carolina Department of Transportation  
Transportation Building  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

**Re: SCH File # 14-E-4220-0204; Supplemental DEIS - Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.**

Dear Ms. Gillespie:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are additional comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Crystal Best".

Crystal Best

State Environmental Review Clearinghouse

Attachments

cc: Region O

**Mailing Address:**  
1301 Mail Service Center  
Raleigh, NC 27699-1301

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**Location Address:**  
116 West Jones Street  
Raleigh, North Carolina

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: NEW HANOVER  
PENDER

F02: HIGHWAYS AND ROADS

STATE NUMBER: 14-E-4220-0204  
DATE RECEIVED: 11/07/2013  
AGENCY RESPONSE: 12/04/2013  
REVIEW CLOSED: 12/09/2013

MS ELIZABETH HEATH  
CLEARINGHOUSE COORDINATOR  
DEPT OF AGRICULTURE  
1001 MSC - AGRICULTURE BLDG  
RALEIGH NC

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DENR LEGISLATIVE AFFAIRS  
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DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION



PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation  
TYPE: National Environmental Policy Act  
Draft Environmental Impact Statement

DESC: Supplemental DEIS - Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

CROSS-REFERENCE NUMBER: 06-E-4220-0107 12-E-4220-0061

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☐ NO COMMENT ☒ COMMENTS ATTACHED

SIGNED BY:

Elizabeth H. Heath

DATE:

12/6/13



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Agricultural Services*

Keith Larick  
Environmental Programs

December 5, 2013

Valerie McMillan  
NC State Clearinghouse  
N.C. Department of Administration  
1301 Mail Service Center  
Raleigh, North Carolina 27699-1301

State #: 14-E-4220-0204  
RE: Military Cutoff extension and US-17 Bypass



Dear Ms. McMillan:

The proposed route options for the Military Cutoff extension and US-17 Bypass construction in New Hanover County have the potential of irreversible damage and increases the loss of state important farm and forest land in the immediate area. The NCDOT is encouraged to give due consideration of routing and/or designs that would reduce the potential of negative environmental and economic impacts on farm and forest land in the proposed work area and choose a route that limits these damages.

Farm and forest lands are natural resources with no mitigation process. These agribusiness resources cannot be replaced nor relocated once converted to other uses. Construction of the Military Cutoff extension and US-17 Bypass should preference designs that reduce potential negative impacts on farms and forest land. These plans should also negate the formation of incompatible and inaccessible land units that degrades agricultural production capabilities associated with the area's farm and agribusinesses. The DOT selected alternative appears to impact the greatest amount of forest land and agricultural land of any of the proposed alternatives.

Agricultural production incomes from locally grown products have a considerable multiplier influence. It is estimated that for every 40 acres converted from agricultural production, one agribusiness job and its associated economic activity is lost indefinitely. Furthermore the costs of community services used by agribusiness are usually minimal and therefore are net contributors to county budgets. Both current and future cost for the conversion land from production agriculture is needed for an accurate evaluation which is not accurately recognized by the Farmland Conversion Impact Rating using Form AD 1006.

**Based on the secondary, cumulative, and direct impacts, this project has potential to adversely impact the agricultural environmental and economic resources.** The total negative impact on the environmental and agribusiness economy will be proportionately related to the total acres of farm and forest land taken out of production.

Respectfully,

Keith Larick  
Environmental Programs Specialist



NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: NEW HANOVER  
PENDER

F02: HIGHWAYS AND ROADS

STATE NUMBER: 14-E-4220-0204  
DATE RECEIVED: 11/07/2013  
AGENCY RESPONSE: 12/04/2013  
REVIEW CLOSED: 12/09/2013

MS. CAROLYN PENNY  
CLEARINGHOUSE COORDINATOR  
CC&PS - DIV OF EMERGENCY MANAGEMENT  
FLOODPLAIN MANAGEMENT PROGRAM  
MSC # 4719  
RALEIGH NC

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DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation  
TYPE: National Environmental Policy Act  
Draft Environmental Impact Statement

DESC: Supplemental DEIS - Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

CROSS-REFERENCE NUMBER: 06-E-4220-0107 12-E-4220-0061

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☒ NO COMMENT ☐ COMMENTS ATTACHED

SIGNED BY:

John D. Bumbalar

DATE: 05 DEC 2013

MOA COMMITMENT ADDRESSED.

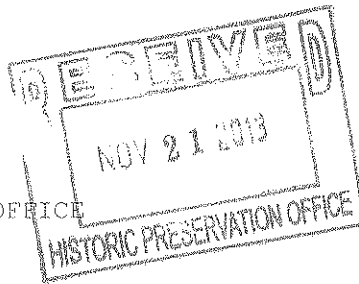
NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: NEW HANOVER  
PENDER

F02: HIGHWAYS AND ROADS

STATE NUMBER: 14-E-4220-0204  
DATE RECEIVED: 11/07/2013  
AGENCY RESPONSE: 12/04/2013  
REVIEW CLOSED: 12/09/2013

MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORDINATOR  
DEPT OF CULTURAL RESOURCES  
STATE HISTORIC PRESERVATION OFFICE  
MSC 4617 - ARCHIVES BUILDING  
RALEIGH NC



ER 05-203

A?

Due 12/3/13

~~Too late to comment~~  
BTS 1-6-14

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DEPT OF TRANSPORTATION

PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation  
TYPE: National Environmental Policy Act  
Draft Environmental Impact Statement

Due 12/13/13 S - PRC cleared

DESC: Supplemental DEIS - Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

CROSS-REFERENCE NUMBER: 06-E-4220-0107 12-E-4220-0061

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

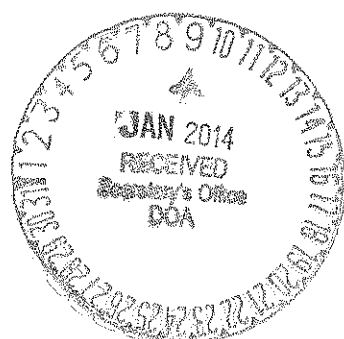
AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☒ NO COMMENT ☒ COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

DATE:

1-6-14



NOV 22 2013



**North Carolina Department of Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Pat McCrory  
Secretary Susan Klutznick

Office of Archives and History  
Deputy Secretary Kevin Cherry

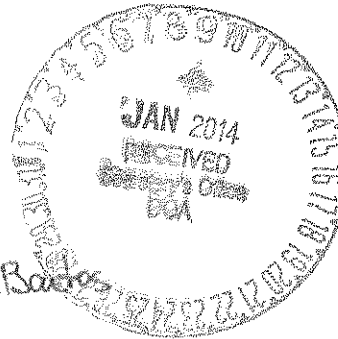
October 15, 2013

**MEMORANDUM**

**TO:** Matt Wilkerson  
Office of Human Environment  
NCDOT Division of Highways

**FROM:** Ramona M. Bartos

*Res for Ramona M. Bartos*



**SUBJECT:** Archaeological Report: *Archaeological Survey and Evaluation of the Proposed Military Cutoff Road Extension and US 17 Hampstead Bypass in New Hanover and Pender Counties*, U-4751 and R-3300, ER 05-2123

We have reviewed the archaeological report produced by Coastal Carolina Research, Inc. (CCR) for the Military Cutoff Road Extension and the Hampstead Bypass.

The area of potential effect (APE) was defined as a 33.5 mile corridor running roughly parallel to US 17 between Ogden (New Hanover County) and Hampstead (Pender County). The archaeological survey consisted of 133 acres intensively surveyed and 158 acres visually surveyed that focused on areas where local topography and hydrology suggested a medium to high probability for encountering significant archaeological resources.

As a result of this survey nine archaeological sites were identified. Eight of these sites were recommended ineligible for listing on National Register of Historic Places (NRHP). Seven of these sites were historic in nature and included three cemeteries and four probable historic occupation sites. Only one of the ineligible sites contained prehistoric artifacts. We concur with the recommendations that these sites are not eligible for listing on the NRHP and that no further archaeological work is necessary with the exception of any affected cemeteries that may require treatment under the provisions of N.C.G.S 65-13.

One historic period site, 31PD344\*\*, was recommended by CCR as eligible for inclusion on the NRHP. This site is a short-term mid to late 18<sup>th</sup> century domestic site characterized by on-site commercial extraction of local forest products. Because this site is relatively intact and represents a discreet occupation it has the potential to yield information on the lifeways of 18<sup>th</sup> century lower socio-economic people not directly associated with the domestic core of the plantation. We concur with the recommendation for NRHP eligibility and look forward to reviewing plans for mitigation through additional data recovery or avoidance.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above referenced tracking number.






North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

MEMORANDUM

To: Crystal Best  
State Clearinghouse

From: Lyn Hardison   
Division of Environmental Assistance and Customer Service  
Environmental Assistance and Project Review Coordinator

RE: 14-0204  
Draft Environmental Impact Statement – Supplement DEIS  
Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New  
New Hanover and Pender Counties

Date: December 10, 2013

The Department of Environment and Natural Resources has reviewed the proposal for the referenced project. Based on the information provided, our agencies have identified permits that may be required. The Division of Water Resources Water Quality Program has requested clarification on the presence of 303(d) waters and more detail of the indirect and cumulative impacts analysis. Please forward this memorandum and the attachments to the applicant so the concerns can be addressed and the necessary adjustments can be made to the report.

The Department encourages the applicant to continue communicating with the agencies and address their concerns prior to the issuance of the FONSI and moving forward with the project.

Thank you for the opportunity to respond.

Attachment



North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Pat McCrory  
Governor

Braxton C. Davis  
Director

John E. Skvarla, III  
Secretary

**MEMORANDUM**

**TO:** Lyn Hardison, Environmental Assistance Coordinator  
Environmental Assistance and Customer Service

**CC:** Richard W. Hancock, PE, NCDOT Project Development &  
Environmental Analysis Manager  
Doug Huggett, DCM Manager, Major Permits & Federal Consistency

**FROM:** Steve Sollod, DCM Transportation Project Coordinator *SOS*

**DATE:** December 4, 2013

**SUBJECT:** State Clearinghouse Review  
Supplemental Draft Environmental Impact Statement Comments  
Proposed SR 1409 (Military Cutoff Road) Extension and Proposed US 17 Hampstead Bypass, New Hanover and Pender Counties, TIP Projects U-4751 and R-3300  
Project Review No. 14-0204 and Project No. 12-0061

The North Carolina Division of Coastal Management (DCM) has reviewed the Supplemental Draft Environmental Impact Statement for the above referenced project, which was submitted to the NC State Clearinghouse for intergovernmental review. We appreciate the opportunity to provide information relevant to the potential authorization of the proposed project by our agency and offer the following comments.

The purpose of the Supplemental Draft Environmental Impact Statement is to document changes to the proposed project that have occurred since the release of the Draft Environmental Impact Statement, dated July 2011. Those changes were brought about by citizens' concerns during the corridor public hearings for the project. The changes include the construction of an additional interchange and an additional lane in each direction at the northern end of the US 17 Hampstead Bypass. This alternative, M1+E-H Option 6TR, is intended to address traffic capacity associated with the Topsail School complex and is NCDOT's preferred alternative. DCM does not object to consideration of Option 6TR.

As a member of the NEPA/Section 404 Merger Team, DCM concurred on Concurrence Point CP 3, Least Environmentally Damaging Practicable Alternative (LEDPA), on May 17, 2012, as well as the Concurrence Point CP 4a, Avoidance and Minimization, for the proposed Military Cutoff Road Extension, U-4751, on July 19, 2012 and CP 4a, for the US 17 Hampstead Bypass, R-3300, on June 13, 2013. DCM will continue to be an active participant on the Merger Team.

As stated in DCM's comments on the Draft Environmental Impact Statement, the proposed project will not impact a Coastal Area Management Act (CAMA) Area of Environmental Concern (AEC) as defined by the rules of the NC Coastal Resources Commission. Therefore, the proposed project will not require a CAMA Permit. However, in accordance with the provisions of Federal Consistency under the Federal Coastal Zone Management Act and the associated regulations, 15 CFR 930, the applicant (NCDOT) is required to evaluate the proposed project and certify to DCM and US Army Corps of Engineers (USACE) that the project is consistent with the NC Coastal Management Program.

If you have any questions or concerns, please contact me at (919) 707-9152, or via e-mail at [steve.sollod@ncdenr.gov](mailto:steve.sollod@ncdenr.gov). Thank you for your consideration of the North Carolina Coastal Management Program.



North Carolina Department of Environment and Natural Resources

Division of Water Resources

Water Quality Programs

Thomas A. Reeder

Director

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

December 4, 2013

**MEMORANDUM**

To: Lyn Hardison, Environmental Coordinator, Office of Legislative and Intergovernmental Affairs

From: Mason Herndon, Division of Water Resources, Fayetteville Regional Office, *MH*  
Transportation Permitting Unit

Subject: Comments on the Supplemental Draft Environmental Impact Statement, related to proposed SR 1409 (Military Cutoff Road) extension and the proposed Hampstead Bypass (US 17), New Hanover and Pender Counties, Federal Aid Project No. State Project No. 4091.1.2, TIPs U-4751 and R-3300, State Clearinghouse Project No. 14-0204

This office has reviewed the referenced document dated September, 2013. The NC Division of Water Resources (NCDWR) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, and other surface waters. The NCDWR offers the following comments based on review of the aforementioned document:

**Project Specific Comments:**

1. This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, the NCDWR will continue to work with the team.
2. Review of the project reveals the presence of surface waters classified as SA; High Quality Waters of the State in the project study area. This is one of the highest classifications for water quality. Provided the project meets the requirements of NCDOT NPDES permit NCS000250, no application for individual State Stormwater permit will be required (*Streamlining State Stormwater Permitting for NCDOT Projects* letter, July 26, 2013).
3. Review of the project reveals the presence of surface waters classified as SA; Outstanding Resource Waters of the State in the project study area. The water quality classification of SA; ORW is one of the highest classifications in the State. The NCDWR is extremely concerned with any impacts that may occur to streams with this classification. It is preferred that these resources be avoided if at all possible. If it is not possible to avoid these resources, the impacts should be minimized to the greatest extent possible. Given the potential for impacts to these resources during the project implementation, the NCDWR requests that the NCDOT strictly adhere to North Carolina

Transportation and Permitting Unit  
1650 Mail Service Center, Raleigh, North Carolina 27699-1650  
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604  
Phone: 919-807-6300 | FAX: 919-733-1290  
Internet: [www.ncwaterquality.org](http://www.ncwaterquality.org)

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regulations entitled "Design Standards in Sensitive Watersheds" (15A NCAC 04B .0124) throughout design and construction of the project.

Provided the project meets the requirements of NCDOT NPDES permit NCS000250, no application for individual State Stormwater permit will be required (*Streamlining State Stormwater Permitting for NCDOT Projects* letter, July 26, 2013).

4. Section 5.7 (Indirect and Cumulative Effects) makes reference to an updated Indirect and Cumulative Effects Analysis being prepared. The NCDWR request that the proposed service roads noted in the supplement be included in the analysis and that NCDWR is provided a copy of this report when completed.
5. It is stated in the DEIS dated July, 2011 that there are no waters in the project area that are listed on the 303(d) list. NCDWR comments on the DEIS dated October 13, 2011 notes that it was not stated from which 303(d) list the information was derived and that the information should be based on the most recent list which would be from 2010. This concern was not addressed in the supplement. The 2010 303(d) list has all waters in the state listed as impaired based on statewide fish consumption advisory due to elevated mercury level and there may be other listings that are not included in the document if the information in the DEIS was obtain from an older list. The FEIS should address the absence or presence of 303(d) waters within the project area based on the most recent list.

#### **General Comments:**

6. The environmental document should provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
7. Environmental impact statement alternatives shall consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives shall include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of the NCDWR's *Stormwater Best Management Practices Manual*, July 2007, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
8. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules (15A NCAC 2H.0506[h]), mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
9. In accordance with the Environmental Management Commission's Rules (15A NCAC 2H.0506[h]), mitigation will be required for impacts of greater than 150 linear feet to any single stream. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.
10. Future documentation, including the 401 Water Quality Certification Application, shall continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.

11. The NCDWR is very concerned with sediment and erosion impacts that could result from this project. The NCDOT shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.
12. An analysis of cumulative and secondary impacts anticipated as a result of this project is required. The type and detail of analysis shall conform to the NC Division of Water Resources Policy on the assessment of secondary and cumulative impacts dated April 10, 2004.
13. The NCDOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
14. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.
15. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an Individual Permit application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from the NCDWR. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.

The NCDWR appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact Mason Herndon at (910) 308-4021 or [mason.herndon@ncdenr.gov](mailto:mason.herndon@ncdenr.gov).

cc: Brad Shaver, US Army Corps of Engineers, Wilmington Field Office  
Stoney Mathis, Division 3 Environmental Officer  
Travis Wilson, NC Wildlife Resources Commission  
Steve Sollod, NC Coastal Management  
Ron Lucas, Federal Highway Administration  
Chris Militscher, Environmental Protection Agency  
Gary Jordan, US Fish and Wildlife Service  
Jackie Roddy, NCDWR  
Hannah Headrick, NCDWR, Water Quality Programs  
Sonia Carrillo, NCDWR Central Office  
File Copy

# Department of Environment and Natural Resources Project Review Form

Project Number: 14-0204

County: New Hanover and Pender

Date Received: 11/07/2013

Due Date: 12/4/2013

**Project Description:** Draft Environmental Impact Statement - Supplemental DEIS - Military cutoff extension from US 17 (Market Street) to the proposed I-140 in New Hanover County & US 17 bypass of Hampstead in New Hanover & Pender counties.

Please refer to proj # 12-0061

This Project is being reviewed as indicated below:

| Regional Office                                       | Regional Office Area  | In-House Review  |   |
|---|---|--|---|
| <input type="checkbox"/> Asheville                    | <input checked="" type="checkbox"/> Air <i>DC 12-3-13</i>           | <input type="checkbox"/> Air Quality   | <input checked="" type="checkbox"/> Coastal Management                  |
| <input type="checkbox"/> Fayetteville                 | <input checked="" type="checkbox"/> DWR-Surface Water               | <input checked="" type="checkbox"/> Parks & Recreation                           | <input checked="" type="checkbox"/> DCM-Marine Fisheries <i>J Baker</i> |
| <input type="checkbox"/> Mooresville                  | <input checked="" type="checkbox"/> DWR-Aquifer <i>JB 11/27/13</i>  | <input type="checkbox"/> Waste Mgmt  | <input type="checkbox"/> Military Affairs                               |
| <input type="checkbox"/> Raleigh                      | <input checked="" type="checkbox"/> DEMLR (LQ & SW) <i>12/14/13</i> | <input type="checkbox"/> Water Resources Mgmt                                    | <input type="checkbox"/> DMF-Shellfish Sanitation                       |
| <input type="checkbox"/> Washington                   | <input checked="" type="checkbox"/> UST <i>12/14/13</i>             | <input type="checkbox"/> DWR-Public Water  | <input type="checkbox"/> Wildlife                                       |
| <input checked="" type="checkbox"/> <i>Wilmington</i> | <input checked="" type="checkbox"/> DWR-Public Water <i>12/1/13</i> | <input type="checkbox"/> DWR-Water Quality Program                               | <input checked="" type="checkbox"/> Wildlife - DOT                      |
| <input type="checkbox"/> Winston-Salem                |   | <input checked="" type="checkbox"/> DWR-Transportation Unit <i>Mason Herndon</i> | <input checked="" type="checkbox"/> <i>Travis Wilson</i>                |

Manager Sign-Off/Region:

Date:

In-House Reviewer/Agency:

Response (check all applicable)

☐ No objection to project as proposed.

☐ No Comment

☐ Insufficient information to complete review

☐ Other (specify or attach comments)

If you have any questions, please contact:

Lyn Hardison at [lyn.hardison@ncdenr.gov](mailto:lyn.hardison@ncdenr.gov) or (252) 948-3842  
943 Washington Square Mail Washington NC 27889  
Courier No. 16-04-01

# INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 14-0204 Due Date: 12-4-13

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

|                                     | PERMITS  | SPECIAL APPLICATION PROCEDURES or REQUIREMENTS  | Normal Process Time (statutory time limit) |
|-------------------------------------|--|---|--|
| <input checked="" type="checkbox"/> | Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.  | Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.  | 30 days (90 days)                          |
| <input type="checkbox"/>            | NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.   | Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.   | 90-120 days (N/A)                          |
| <input type="checkbox"/>            | Water Use Permit   | Pre-application technical conference usually necessary  | 30 days (N/A)                              |
| <input type="checkbox"/>            | Well Construction Permit   | Complete application must be received and permit issued prior to the installation of a well.  | 7 days (15 days)                           |
| <input type="checkbox"/>            | Dredge and Fill Permit   | Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.   | 55 days (90 days)                          |
| <input type="checkbox"/>            | Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)   | Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).   | 90 days                                    |
| <input type="checkbox"/>            | Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)  | Application must be submitted at least 90 days prior to construction or modification of the source.   | 90 days                                    |
| <input type="checkbox"/>            | Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900   | N/A   | 60 days (90 days)                          |
| <input type="checkbox"/>            | Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.  |   |  |
| <input type="checkbox"/>            | Complex Source Permit required under 15 A NCAC 2D.0800   |   |  |
| <input type="checkbox"/>            | The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees. |   | 20 days (30 days)                          |
| <input checked="" type="checkbox"/> | Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.  |   | (30 days)                                  |
| <input type="checkbox"/>            | Mining Permit  | On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.  | 30 days (60 days)                          |
| <input type="checkbox"/>            | North Carolina Burning permit  | On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days   | 1 day (N/A)                                |
| <input type="checkbox"/>            | Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils   | On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."  | 1 day (N/A)                                |
| <input type="checkbox"/>            | Oil Refining Facilities  | N/A   | 90-120 days (N/A)                          |
| <input type="checkbox"/>            | Dam Safety Permit  | If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion. | 30 days (60 days)                          |



| PERMITS  |  | SPECIAL APPLICATION PROCEDURES or REQUIREMENTS   | Normal Process Time<br>(statutory time limit) |
|--|--|--|---|
| <input type="checkbox"/>   | Permit to drill exploratory oil or gas well  | File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations. | 10 days<br>N/A                                |
| <input type="checkbox"/>   | Geophysical Exploration Permit   | Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.   | 10 days<br>N/A                                |
| <input type="checkbox"/>   | State Lakes Construction Permit  | Application fee is charged based on structure size. Must include descriptions & drawings of structure & proof of ownership of riparian property.   | 15-20 days<br>N/A                             |
| <input type="checkbox"/>   | 401 Water Quality Certification  | N/A  | 60 days<br>(130 days)                         |
| <input type="checkbox"/>   | CAMA Permit for MAJOR development  | \$250.00 fee must accompany application  | 55 days<br>(150 days)                         |
| <input type="checkbox"/>   | CAMA Permit for MINOR development  | \$50.00 fee must accompany application   | 22 days<br>(25 days)                          |
| <input type="checkbox"/>   | Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify:<br>N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611  |  |   |
| <input checked="" type="checkbox"/>  | Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.  |  |   |
| <input checked="" type="checkbox"/>  | Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.   |  |   |
| <input type="checkbox"/>   | Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.   |  | 45 days<br>(N/A)                              |
| <input type="checkbox"/>   | Tar Pamilco or Neuse Riparian Buffer Rules required.   |  |   |
| <input type="checkbox"/>   | Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100. |  | 30 days                                       |
| <input type="checkbox"/>   | If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.  |  | 30 days                                       |
| * Other comments (attach additional pages as necessary, being certain to cite comment authority) |  |  |   |

### REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ **Asheville Regional Office**  
1090 US Highway 70  
Swannanoa, NC 28778  
(828) 296-4500

☐  **Mooresville Regional Office**  
610 East Center Avenue, Suite 301  
Mooresville, NC 28115  
(704) 663-1699

☐ **Wilmington Regional Office**  
127 Cardinal Drive Extension  
Wilmington, NC 28405  
(910) 796-7215

☐ **Fayetteville Regional Office**  
225 North Green Street, Suite 714  
Fayetteville, NC 28301-5043  
(910) 433-3300

☐ **Raleigh Regional Office**  
3800 Barrett Drive, Suite 101  
Raleigh, NC 27609  
(919) 791-4200

☐ **Winston-Salem Regional Office**  
585 Woughtown Street  
Winston-Salem, NC 27107  
(336) 771-5000

☐ **Washington Regional Office**  
943 Washington Square Mall  
Washington, NC 27889  
(252) 946-6481

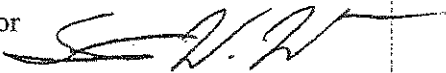


## ☐ North Carolina Wildlife Resources Commission ☐

Gordon Myers, Executive Director

### MEMORANDUM

TO: Lyn Hardison, Environmental Assistance Coordinator  
Division of Environmental Assistance and Outreach, DENR

FROM: Travis Wilson, Highway Project Coordinator  
Habitat Conservation Program 

DATE: December 4, 2013

SUBJECT: North Carolina Department of Transportation (NCDOT) supplemental Draft Environmental Impact Statement (DEIS) for the proposed SR 1409 extension and the proposed improvements to US 17 in New Hanover and Pender Counties, North Carolina. TIP Nos. U-4751 and R-3300 SCH Project No. 14-0204

Staff biologists with the N. C. Wildlife Resources Commission have reviewed the subject supplemental DEIS and are familiar with habitat values in the project area. The purpose of this review was to assess project impacts to fish and wildlife resources. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

Two projects have been combined and are included in the DEIS. For project U-4751 the NCDOT is proposing to extend Military Cutoff Road from Market Street to the US 17 Bypass, and R-3300 consist of improvements to US 17 from the existing US 17 Bypass north to include a bypass of Hampstead. The projects are being planned under the NEPA/Section 404 Merger 01 Process. WRC is represented in this process and comments provided in conjunction with this process have been documented. WRC also provided comments, dated October 19, 2011, on the DEIS, comments provided in that memorandum are still applicable. At this time we do not have additional specific concerns related to the information provided in the supplemental DEIS.

This project will continue to go through the NEPA/Section 404 Merger process, and additional agency coordination will occur through the remaining concurrence points. Thank you

December 4, 2013

for the opportunity to comment. If we can be of further assistance please call me at (919) 707-0370

cc: Gary Jordan, USFWS  
David Wainwright, DWQ  
Brad Shaver, USACE  
Chris Militscher, EPA

## **APPENDIX E**

### **NCDDOT RELOCATION ASSISTANCE PROGRAM / RELOCATION REPORTS**

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## **DIVISION OF HIGHWAYS RELOCATION PROGRAM**

The relocation program for the proposed action will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646), and/or the North Carolina Relocation Assistance Act (GS-133-5 through 133-18). The program is designed to provide assistance to displaced persons in relocating to a replacement site in which to live or do business. At least one relocation agent is assigned to each highway project for this purpose.

The relocation agent will determine the needs of displaced families, individuals, businesses, non-profit organizations, and farm operations for relocation assistance advisory services without regard to race, color, religion, sex or national origin. The NCDOT will schedule its work to allow ample time, prior to displacement, for negotiations and possession of replacement housing which meets decent, safe, and sanitary standards.

The displacees are given a 90 Day Letter of Assurance after the initiation of negotiations, or in the case of residential displacees, only after a comparable replacement dwelling has been offered to the displacee. This letter assures that that displacee will have at least 90 days from the date of the letter to move. Once the claim has been closed or condemnation has begun, a 30 Day Notice to Vacate letter will be sent to the displacee with the final date to vacate indicated. At no time will the final vacate date be less than the 90 days assured to the displacee.

### **For Residential Displacees:**

It is the policy of NCDOT to ensure comparable replacement housing will be available prior to construction of state and federally-assisted projects. No person will be displaced by NCDOT's State or Federally-assisted construction projects unless and until comparable replacement housing has been offered or provided for each displacee within a reasonable period of time prior to displacement. All attempts will be made to find decent, safe, and sanitary replacement dwellings within the financial means of the residential displacee. NCDOT offers the following relocation assistance to residential displacees:

- Replacement Housing Payment for Owner-Occupant displacees
- Rent Supplement Payment for Tenant Displacees
- Relocation Moving Payments
- Advisory Services

Last Resort Housing is a program used when comparable replacement housing is not available, or when it is unavailable within the displacee's financial means, and the replacement payment exceeds the federal/state legal limitation. The purpose of the program is to allow broad latitude in methods of implementation by the State so that decent, safe, and sanitary replacement housing can be provided.

**Non-Residential Displacees:**

Displaced Businesses, Farms, and Non-Profit Organizations are eligible for the following relocation assistance:

- Relocation Moving Expenses
- Reestablishment Reimbursement up to the maximum Federal amount
- Searching expenses up to the maximum Federal amount
- Business Fixed Payment up to the Federal maximum (in lieu of the items above)
- Advisory Services

No relocation payment received will be considered as income for the purposes of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under Social Security Act or any federal law.

These relocation benefits are only available to persons lawfully present in the United States.


# EIS RELOCATION REPORT

## North Carolina Department of Transportation RELOCATION ASSISTANCE PROGRAM

☒ E.I.S.    ☐ CORRIDOR    ☐ DESIGN

|                         |  |              |             |                  |   |           |
|-------------------------|--|--------------|-------------|------------------|---|-----------|
| WBS:                    | 40191.1.1                                    | COUNTY       | NEW HANOVER | Alternate MIW of | 2 | Alternate |
| I.D. NO.:               | U-4751                                       | F.A. PROJECT | N/A         |                  |   |           |
| DESCRIPTION OF PROJECT: | MILITARY CUTOFF ROAD. EXTENTION WITH CONTROL |              |             |                  |   |           |

| ESTIMATED DISPLACEES   |        |         |       |            | INCOME LEVEL      |        |          |                        |          |
|--|--------|---------|-------|------------|-------------------|--------|----------|------------------------|----------|
| Type of Displacees   | Owners | Tenants | Total | Minorities | 0-15M             | 15-25M | 25-35M   | 35-50M                 | 50 UP    |
| Residential  | 15     | 3       | 18    | 6          |                   | 2      | 8        | 4                      | 4        |
| Businesses   | 39     | 24      | 63    | 6          | VALUE OF DWELLING |        |          | DSS DWELLING AVAILABLE |          |
| Farms  | 0      | 0       | 0     | 0          | Owners            |        | Tenants  |                        | For Sale |
| Non-Profit   | 2      | 0       | 2     | 1          |                   |        |          |                        | For Rent |
| ANSWER ALL QUESTIONS   |        |         |       |            | 0-20M             |        | \$ 0-150 |                        | 3        |
|  |        |         |       |            | 20-40M            |        | 150-250  |                        | 3        |
| Yes    No    Explain all "YES" answers.                                  |        |         |       |            | 40-70M            |        | 250-400  |                        | 3        |
|  |        |         |       |            | 70-100M           |        | 400-600  |                        | 10       |
|  |        |         |       |            | 100 UP            |        | 600 UP   |                        | 25+      |
|  |        |         |       |            | TOTAL             |        | 15       |                        | 3        |
| REMARKS (Respond by number)  |        |         |       |            | 0-20M             |        | \$ 0-150 |                        | 3        |
|  |        |         |       |            | 20-40M            |        | 150-250  |                        | 3        |
| 3. There is an ample supply of buisnessess not affected by this project. |        |         |       |            | 40-70M            |        | 250-400  |                        | 5        |
|  |        |         |       |            | 70-100M           |        | 400-600  |                        | 10       |
| 4. See attached list   |        |         |       |            | 100 UP            |        | 600 UP   |                        | 25+      |
|  |        |         |       |            | TOTAL             |        | 15       |                        | 3        |
| 6/14. MLS Services, local realtors, newspapers, etc.                     |        |         |       |            | 0-20M             |        | \$ 0-150 |                        | 3        |
|  |        |         |       |            | 20-40M            |        | 150-250  |                        | 3        |
| 8. As mandated by law  |        |         |       |            | 40-70M            |        | 250-400  |                        | 5        |
|  |        |         |       |            | 70-100M           |        | 400-600  |                        | 10       |
| 11. New Hanover County   |        |         |       |            | 100 UP            |        | 600 UP   |                        | 25+      |
|  |        |         |       |            | TOTAL             |        | 15       |                        | 3        |
| 12. Yes, or built as necessary   |        |         |       |            | 0-20M             |        | \$ 0-150 |                        | 3        |
|  |        |         |       |            | 20-40M            |        | 150-250  |                        | 3        |

|  |  |            |                        |      |
|--|--|------------|------------------------|------|
|  |  | 10/12/2010 |                        |      |
| Dwayne Draughon<br>Right of Way Agent  |  | Date       | Relocation Coordinator | Date |


# EIS RELOCATION REPORT

## North Carolina Department of Transportation RELOCATION ASSISTANCE PROGRAM

☒ E.I.S.    ☐ CORRIDOR    ☐ DESIGN

|                         |           |  |             |           |     |    |   |           |
|-------------------------|-----------|--|-------------|-----------|-----|----|---|-----------|
| WBS:                    | 40191.1.1 | COUNTY                                       | NEW HANOVER | Alternate | M2W | of | 2 | Alternate |
| I.D. NO.:               | U-4751    | F.A. PROJECT                                 | N/A         |           |     |    |   |           |
| DESCRIPTION OF PROJECT: |           | MILITARY CUTOFF ROAD. EXTENTION WITH CONTROL |             |           |     |    |   |           |

| ESTIMATED DISPLACEES |        |  |       |            | INCOME LEVEL   |        |          |        |                        |            |
|----------------------|--------|--|-------|------------|--|--------|----------|--------|------------------------|------------|
| Type of Displacees   | Owners | Tenants  | Total | Minorities | 0-15M  | 15-25M | 25-35M   | 35-50M | 50 UP                  |            |
| Residential          | 16     | 4  | 20    | 6          |  | 6      | 11       | 3      | 1                      |            |
| Businesses           | 39     | 24   | 63    | 6          | VALUE OF DWELLING  |        |          |        | DSS DWELLING AVAILABLE |            |
| Farms                | 0      | 0  | 0     | 0          | Owners   |        | Tenants  |        | For Sale               |            |
| Non-Profit           | 2      | 0  | 2     | 1          |  |        |          |        | For Rent               |            |
| ANSWER ALL QUESTIONS |        |  |       |            | 0-20M  |        | \$ 0-150 |        | 0-20M                  | \$ 0-150   |
|                      |        |  |       |            | 20-40M   |        | 150-250  |        | 20-40M                 | 150-250    |
| Yes                  | No     | Explain all "YES" answers.   |       |            | 40-70M   |        | 250-400  |        | 40-70M                 | 250-400    |
|                      | X      | 1. Will special relocation services be necessary?  |       |            | 70-100M  |        | 400-600  |        | 70-100M                | 400-600    |
|                      | X      | 2. Will schools or churches be affected by displacement?   |       |            | 100 UP   |        | 600 UP   |        | 100 UP                 | 50+ 600 UP |
| X                    |        | 3. Will business services still be available after project?  |       |            | TOTAL  |        | 4        |        |                        |            |
| X                    |        | 4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc. |       |            | REMARKS (Respond by number)  |        |          |        |                        |            |
|                      | X      | 5. Will relocation cause a housing shortage?   |       |            | 3. There is an ample supply of buisnessess not affected by this project. |        |          |        |                        |            |
| X                    |        | 6. Source for available housing (list).  |       |            | 4. See attached list   |        |          |        |                        |            |
|                      | X      | 7. Will additional housing programs be needed?   |       |            | 6/14. MLS Services, local realtors, newspapers, etc.                     |        |          |        |                        |            |
| X                    |        | 8. Should Last Resort Housing be considered?   |       |            | 8. As mandated by law  |        |          |        |                        |            |
|                      | X      | 9. Are there large, disabled, elderly, etc. families?  |       |            | 11. New Hanover County   |        |          |        |                        |            |
|                      | X      | 10. Will public housing be needed for project?   |       |            | 12. Yes, or built as necessary   |        |          |        |                        |            |
| X                    |        | 11. Is public housing available?   |       |            |  |        |          |        |                        |            |
| X                    |        | 12. Is it felt there will be adequate DSS housing housing available during relocation period?                  |       |            |  |        |          |        |                        |            |
|                      | X      | 13. Will there be a problem of housing within financial means?   |       |            |  |        |          |        |                        |            |
| X                    |        | 14. Are suitable business sites available (list source).   |       |            |  |        |          |        |                        |            |
|                      |        | 15. Number months estimated to complete RELOCATION?  |       |            | 24-36  |        |          |        |                        |            |

|  |  |            |                        |      |
|--|--|------------|------------------------|------|
|  |  | 10/12/2010 |                        |      |
| Dwayne Draughon<br>Right of Way Agent  |  | Date       | Relocation Coordinator | Date |

**U-4751 Business Relocations**  
**ALTERNATIVES M1 and M2**

|    | GROUPING           | NAME                             | TYPE       | NUMBER OF EMPLOYEES | MINORITY |
|----|--------------------|----------------------------------|------------|---------------------|----------|
| 1  |                    | Ogden Volunteer Rescue           | Business   | 15-20               |          |
| 2  |                    | BPA                              | Business   | 25-30               |          |
| 3  | Pages Creek Marina | Pages Creek Marina               | Business   | 5-10                |          |
| 4  | Pages Creek Marina | Truck Pump                       | Business   | 1-3                 |          |
| 5  | Pages Creek Marina | Blue Water Works                 | Business   | 1-3                 |          |
| 6  | Pages Creek Marina | MK Design                        | Business   | 1-3                 |          |
| 7  |                    | Dentist Office                   | Business   | 5-8                 |          |
| 8  |                    | Children Daycare                 | Bus/School | 0                   |          |
| 9  |                    | BT Imports (Boating)             | Business   | 5-8                 |          |
| 10 | Shopping Center    | Painters Alley                   | Business   | 2-4                 |          |
| 11 | Shopping Center    | State Farm Insurance             | Business   | 2-4                 |          |
| 12 | Shopping Center    | Landscape Business               | Business   | 4-6                 |          |
| 13 | Shopping Center    | Sun Trust Bank                   | Business   | 5-10                |          |
| 14 | Shopping Center    | Cardinal Bowling Lanes           | Business   | 5-10                |          |
| 15 |                    | Little Cesar's Pizza             | Bus/Rest   | 5-10                |          |
| 16 |                    | Leon and Dick's Rib Shack        | Bus/Rest   | 5-10                |          |
| 17 |                    | Pet Boarding/Care                | Business   | 4-6                 | Minority |
| 18 |                    | Shepps, LLC                      | Business   | 2-5                 |          |
| 19 |                    | The Pop Shoppe/CITGO             | Business   | 10-15               |          |
| 20 | Live Oak Center    | Allure Hair Studio               | Business   | 2-5                 |          |
| 21 | Live Oak Center    | Port City Closets Solutions      | Business   | 2-5                 |          |
| 22 | Live Oak Center    | Mamdi's Ice Cream                | Business   | 2-5                 |          |
| 23 | Live Oak Center    | Lily's Nails                     | Business   | 2-4                 | Minority |
| 24 |                    | Hardees's                        | Business   | 15-25               |          |
| 25 |                    | Baker's Curiosity Shop           | Business   | 2-4                 |          |
| 26 | Zimmer's Center    | Food Lion                        | Business   | 15-25               |          |
| 27 | Zimmer's Center    | Szechuan Buffet                  | Business   | 5-10                | Minority |
| 28 | Zimmer's Center    | LA Nails                         | Business   | 3-5                 |          |
| 29 | Zimmer's Center    | Brooklyn Pizza Co                | Business   | 5-10                |          |
| 30 | Zimmer's Center    | Cubbies                          | Business   | 5-10                |          |
| 31 | Zimmer's Center    | Liberty Tax                      | Business   | 3-5                 |          |
| 32 | Zimmer's Center    | Urgent Care                      | Business   | 5-10                |          |
| 33 | Zimmer's Center    | All Star Subs                    | Business   | 5-8                 |          |
| 34 | Zimmer's Center    | Vacant Unit                      | Business   | 0                   |          |
| 35 |                    | EXXON Service Station            | Business   | 5-10                |          |
| 36 |                    | Dollar General                   | Business   | 8-10                |          |
| 37 |                    | Walgreen's Drug Store            | Business   | 10-15               |          |
| 38 |                    | CVS Drug Store                   | Business   | 10-15               |          |
| 39 |                    | O'Leary's Auto Service           | Business   | 5-8                 |          |
| 40 |                    | Marine Warehouse                 | Business   | 3-5                 |          |
| 41 |                    | South Winds                      | Business   | 2-3                 | Minority |
| 42 |                    | South Hair Salon                 | Business   | 3-5                 |          |
| 43 |                    | Mamia's Attic                    | Business   | 2-5                 |          |
| 44 |                    | Jackson Hewitt Tax Service       | Business   | 2-4                 |          |
| 45 |                    | Benjamin Moore Paint             | Business   | 3-5                 |          |
| 46 |                    | Coastal Storage, INC             | Business   | 3-5                 |          |
| 47 |                    | Stone Garden Landscaping         | Business   | 4-8                 |          |
| 48 |                    | Costal Cash Exchange             | Business   | 3-5                 |          |
| 49 |                    | Coastline Mower Shop             | Business   | 3-5                 | Minority |
| 50 |                    | Nixon Associates, LLC            | Business   | 2-4                 |          |
| 51 |                    | Golf Driving Range               | Business   | 2-4                 |          |
| 52 |                    | Fabric Solution                  | Business   | 4-6                 |          |
| 53 |                    | Priscilla McCall's               | Business   | 4-6                 |          |
| 54 |                    | Four Season's Dry Cleaning       | Business   | 3-5                 | Minority |
| 55 |                    | Enoch Chapel                     | Church     | 5-8                 |          |
| 56 |                    | Enoch Chapel Graveyard (in back) | Graves     |                     |          |
| 57 |                    | Golf Range                       | Business   | 2-4                 |          |
| 58 |                    | Stone Garden                     | Business   | 5-10                |          |
| 59 |                    | Nixon's Oyster's                 | Business   | 4-6                 |          |
| 60 |                    | Mini-Storage                     | Business   | 3-5                 |          |
| 61 |                    | KFC Restaurant                   | Business   | 5-10                |          |
| 62 |                    | Kingfish Restaurant              | Business   | 10-15               |          |
| 63 |                    | BB&T Bank                        | Business   | 5-10                |          |





# EIS RELOCATION REPORT

## North Carolina Department of Transportation RELOCATION ASSISTANCE PROGRAM

☒ E.I.S.      ☐ CORRIDOR      ☐ DESIGN

|                         |           |   |                        |           |    |    |   |           |
|-------------------------|-----------|---|------------------------|-----------|----|----|---|-----------|
| WBS:                    | 40191.1.2 | COUNTY  | New Hanover and Pender | Alternate | EH | of | 4 | Alternate |
| I.D. NO.:               | R-3300    | F.A. PROJECT  |                        |           |    |    |   |           |
| DESCRIPTION OF PROJECT: |           | Extension of SR 1409 to the Wilmington Bypass and Construction of Hampstead Bypass from Wilmington Bypass to US 17 North of Hampstead |                        |           |    |    |   |           |
|                         |           |   |                        |           |    |    |   |           |

| ESTIMATED DISPLACEES   |        |         |       |            | INCOME LEVEL  |        |          |        |                        |     |          |    |  |
|--|--------|---------|-------|------------|---|--------|----------|--------|------------------------|-----|----------|----|--|
| Type of Displacees   | Owners | Tenants | Total | Minorities | 0-15M   | 15-25M | 25-35M   | 35-50M | 50 UP                  |     |          |    |  |
| Residential  | 23     | 20      | 43    | 7          | 0   | 9      | 6        | 12     | 16                     |     |          |    |  |
| Businesses   | 8      | 8       | 16    | 5          | VALUE OF DWELLING   |        |          |        | DSS DWELLING AVAILABLE |     |          |    |  |
| Farms  | 0      | 0       | 0     | 0          | Owners  |        | Tenants  |        | For Sale               |     | For Rent |    |  |
| Non-Profit   | 3      | 0       | 3     | 2          | 0-20M   | 0      | \$ 0-150 | 0      | 0-20M                  | 0   | \$ 0-150 | 0  |  |
| <b>ANSWER ALL QUESTIONS</b><br>Yes    No <b>Explain all "YES" answers.</b> |        |         |       |            | 20-40M  | 0      | 150-250  | 4      | 20-40M                 | 2   | 150-250  | 0  |  |
|  |        |         |       |            | 40-70M  | 2      | 250-400  | 9      | 40-70M                 | 7   | 250-400  | 0  |  |
|  |        |         |       |            | 70-100M   | 9      | 400-600  | 6      | 70-100M                | 27  | 400-600  | 1  |  |
|  |        |         |       |            | 100 UP  | 12     | 600 UP   | 1      | 100 UP                 | 402 | 600 UP   | 23 |  |
|  |        |         |       |            | TOTAL   | 23     |          | 20     |                        | 438 |          | 24 |  |
|  |        |         |       |            | REMARKS (Respond by number)   |        |          |        |                        |     |          |    |  |
|  |        |         |       |            | 2. St. John the Apostle Catholic Church, Angel Food Ministries, and Topsail Baptist Church are all displacees on this alternate.<br>3. Business Services will remain in the area.<br>4. Atlantic Tool and Die Co.<br>Noelle Holdings, LLC<br>Carolina Storage<br>D & D Glass<br>Carolina Outboard<br>Tri-County Electric Inc.<br><br>Kid's Korner Daycare<br>Bug Off Termite and Pest Control<br>Ocean Breeze Heating and Air<br>Hidden Pond Mulch Co.<br>Images Salon and Spa<br>Last Request Properties, LLC<br>Coastal Mini Storage along with 630 +/- storage units<br>Cypress Pond Tree Nursery<br>Pender County Offices – 10 Different Departments<br>Small Auto Sales Business (name unknown)<br>6. & 14. Realtor.com, MLS, newspaper, local ads<br>8. As mandated by Law<br>11. New Hanover and Pender County |        |          |        |                        |     |          |    |  |
| <b>RELOCATION?</b> <b>24</b>   |        |         |       |            |   |        |          |        |                        |     |          |    |  |

12. Plenty of houses listed on Realtor.com alone.

**\*\*PLEASE NOTE: A Cell Tower will be isolated by this alternate, as well as the Utility Water Tanks for Belvedere Plantation subdivision. The water tanks service the entire subdivision.**

|  |        |   |  |        |
|--|--------|---|--|--------|
|  | 6/2/11 |  |  | 6/2/11 |
| Right of Way Agent   | Date   |   | Relocation Coordinator   | Date   |

FRM15-E Revised 09-02

Original & 1 Copy: Relocation Coordinator  
2 Copy Division Relocation File

# EIS RELOCATION REPORT

## North Carolina Department of Transportation RELOCATION ASSISTANCE PROGRAM

☒ E.I.S.    ☐ CORRIDOR    ☐ DESIGN

|                         |   |              |                        |           |   |    |   |           |
|-------------------------|---|--------------|------------------------|-----------|---|----|---|-----------|
| WBS:                    | 40191.1.2   | COUNTY       | New Hanover and Pender | Alternate | O | of | 4 | Alternate |
| I.D. NO.:               | R-3300  | F.A. PROJECT |                        |           |   |    |   |           |
| DESCRIPTION OF PROJECT: | Extension of SR 1409 to the Wilmington Bypass and Construction of Hampstead Bypass from Wilmington Bypass to US 17 North of Hampstead |              |                        |           |   |    |   |           |

| ESTIMATED DISPLACEES  |        |         |       |            | INCOME LEVEL  |        |          |        |                        |     |          |    |
|---|--------|---------|-------|------------|---|--------|----------|--------|------------------------|-----|----------|----|
| Type of Displacees  | Owners | Tenants | Total | Minorities | 0-15M   | 15-25M | 25-35M   | 35-50M | 50 UP                  |     |          |    |
| Residential   | 29     | 11      | 40    | 5          | 0   | 4      | 7        | 13     | 16                     |     |          |    |
| Businesses  | 8      | 8       | 16    | 5          | VALUE OF DWELLING   |        |          |        | DSS DWELLING AVAILABLE |     |          |    |
| Farms   | 0      | 0       | 0     | 0          | Owners  |        | Tenants  |        | For Sale               |     | For Rent |    |
| Non-Profit  | 3      | 0       | 3     | 2          | 0-20M   | 0      | \$ 0-150 | 0      | 0-20M                  | 0   | \$ 0-150 | 0  |
| <b>ANSWER ALL QUESTIONS</b><br>Yes No <b>Explain all "YES" answers.</b> |        |         |       |            | 20-40M  | 1      | 150-250  | 4      | 20-40M                 | 2   | 150-250  | 0  |
|   |        |         |       |            | 40-70M  | 0      | 250-400  | 7      | 40-70M                 | 7   | 250-400  | 0  |
|   |        |         |       |            | 70-100M   | 4      | 400-600  | 0      | 70-100M                | 27  | 400-600  | 1  |
|   |        |         |       |            | 100 UP  | 24     | 600 UP   | 0      | 100 UP                 | 402 | 600 UP   | 23 |
|   |        |         |       |            | TOTAL   | 29     |          | 11     |                        | 438 |          | 24 |
|   |        |         |       |            | REMARKS (Respond by number)   |        |          |        |                        |     |          |    |
|   |        |         |       |            | 2. St. John the Apostle Catholic Church, Angel Food Ministries, and Topsail Baptist Church are all displacees on this alternate.<br>3. Business Services will remain in the area.<br>4. Atlantic Tool and Die Co.<br>Noelle Holdings, LLC<br>Carolina Storage<br>D & D Glass<br>Carolina Outboard<br>Tri-County Electric Inc.<br><br>Kid's Korner Daycare<br>Bug Off Termite and Pest Control<br>Ocean Breeze Heating and Air<br>Hidden Pond Mulch Co.<br>Images Salon and Spa<br>Last Request Properties, LLC<br>Coastal Mini Storage along with 630 +/- storage units<br>Cypress Pond Tree Nursery<br>Pender County Offices – 10 Different Departments<br>Small Auto Sales Business (name unknown)<br>6. & 14. Realtor.com, MLS, newspaper, local ads<br>8. As mandated by Law<br>11. New Hanover and Pender County |        |          |        |                        |     |          |    |
| <b>RELOCATION?</b>  |        |         |       |            | <b>24</b>   |        |          |        |                        |     |          |    |

12. Plenty of houses listed on Realtor.com alone.

**\*\*PLEASE NOTE: A Cell Tower will be isolated by this alternate, as well as the Utility Water Tanks for Belvedere Plantation subdivision. The water tanks service the entire subdivision.**

|   |  |   |
|---|--|---|
| <br>_____<br>Date |  | <br>_____<br>Date |
| Right of Way Agent  |  | Relocation Coordinator  |

FRM15-E Revised 09-02

Original & 1 Copy: Relocation Coordinator  
2 Copy Division Relocation File



# EIS RELOCATION REPORT

## North Carolina Department of Transportation RELOCATION ASSISTANCE PROGRAM



☒ E.I.S.      ☐ CORRIDOR      ☐ DESIGN

|                         |   |              |                        |           |   |    |   |           |
|-------------------------|---|--------------|------------------------|-----------|---|----|---|-----------|
| WBS:                    | 40191.1.2   | COUNTY       | New Hanover and Pender | Alternate | R | of | 4 | Alternate |
| I.D. NO.:               | R-3300  | F.A. PROJECT |                        |           |   |    |   |           |
| DESCRIPTION OF PROJECT: | Extension of SR 1409 to the Wilmington Bypass and Construction of Hampstead Bypass from Wilmington Bypass to US 17 North of Hampstead |              |                        |           |   |    |   |           |

| ESTIMATED DISPLACEES   |        |         |       |            | INCOME LEVEL  |        |          |        |                        |     |          |    |
|--|--------|---------|-------|------------|---|--------|----------|--------|------------------------|-----|----------|----|
| Type of Displacees   | Owners | Tenants | Total | Minorities | 0-15M   | 15-25M | 25-35M   | 35-50M | 50 UP                  |     |          |    |
| Residential  | 26     | 15      | 41    | 7          | 0   | 7      | 7        | 7      | 20                     |     |          |    |
| Businesses   | 8      | 8       | 16    | 5          | VALUE OF DWELLING   |        |          |        | DSS DWELLING AVAILABLE |     |          |    |
| Farms  | 0      | 0       | 0     | 0          | Owners  |        | Tenants  |        | For Sale               |     | For Rent |    |
| Non-Profit   | 3      | 0       | 3     | 2          | 0-20M   | 0      | \$ 0-150 | 0      | 0-20M                  | 0   | \$ 0-150 | 0  |
| <b>ANSWER ALL QUESTIONS</b><br>Yes    No <b>Explain all "YES" answers.</b> |        |         |       |            | 20-40M  | 1      | 150-250  | 7      | 20-40M                 | 2   | 150-250  | 0  |
|  |        |         |       |            | 40-70M  | 1      | 250-400  | 5      | 40-70M                 | 7   | 250-400  | 0  |
|  |        |         |       |            | 70-100M   | 2      | 400-600  | 3      | 70-100M                | 27  | 400-600  | 1  |
|  |        |         |       |            | 100 UP  | 22     | 600 UP   | 0      | 100 UP                 | 402 | 600 UP   | 23 |
|  |        |         |       |            | TOTAL   | 26     |          | 15     |                        | 438 |          | 24 |
|  |        |         |       |            | REMARKS (Respond by number)   |        |          |        |                        |     |          |    |
|  |        |         |       |            | 2. St. John the Apostle Catholic Church, Angel Food Ministries, and Topsail Baptist Church are all displacees on this alternate.<br>3. Business Services will remain in the area.<br>4. Atlantic Tool and Die Co.<br>Noelle Holdings, LLC<br>Carolina Storage<br>D & D Glass<br>Carolina Outboard<br>Tri-County Electric Inc.<br><br>Kid's Korner Daycare<br>Bug Off Termite and Pest Control<br>Ocean Breeze Heating and Air<br>Hidden Pond Mulch Co.<br>Images Salon and Spa<br>Last Request Properties, LLC<br>Coastal Mini Storage along with 630 +/- storage units<br>Cypress Pond Tree Nursery<br>Pender County Offices – 10 Different Departments<br>Small Auto Sales Business (name unknown)<br>6. & 14. Realtor.com, MLS, newspaper, local ads<br>8. As mandated by Law<br>11. New Hanover and Pender County |        |          |        |                        |     |          |    |
| <b>RELOCATION?</b> <b>24</b>   |        |         |       |            |   |        |          |        |                        |     |          |    |

12. Plenty of houses listed on Realtor.com alone.

**\*\*PLEASE NOTE: A Cell Tower will be isolated by this alternate, as well as the Utility Water Tanks for Belvedere Plantation subdivision. The water tanks service the entire subdivision.**

|  |        |   |  |        |
|--|--------|---|--|--------|
|  | 6/2/11 |  |  | 6/2/11 |
| Right of Way Agent   | Date   |   | Relocation Coordinator   | Date   |

FRM15-E Revised 09-02

Original & 1 Copy: Relocation Coordinator  
2 Copy Division Relocation File

# EIS RELOCATION REPORT

## North Carolina Department of Transportation RELOCATION ASSISTANCE PROGRAM

☒ E.I.S.    ☐ CORRIDOR    ☐ DESIGN

|                         |   |              |                        |           |   |    |   |           |
|-------------------------|---|--------------|------------------------|-----------|---|----|---|-----------|
| WBS:                    | 40191.1.2   | COUNTY       | New Hanover and Pender | Alternate | U | of | 4 | Alternate |
| I.D. NO.:               | R-3300  | F.A. PROJECT |                        |           |   |    |   |           |
| DESCRIPTION OF PROJECT: | Extension of SR 1409 to the Wilmington Bypass and Construction of Hampstead Bypass from Wilmington Bypass to US 17 North of Hampstead |              |                        |           |   |    |   |           |

| ESTIMATED DISPLACEES   |        |         |       |            | INCOME LEVEL      |        |          |        |                        |     |          |    |
|--|--------|---------|-------|------------|-------------------|--------|----------|--------|------------------------|-----|----------|----|
| Type of Displacees   | Owners | Tenants | Total | Minorities | 0-15M             | 15-25M | 25-35M   | 35-50M | 50 UP                  |     |          |    |
| Residential  | 52     | 23      | 75    | 30         | 0                 | 20     | 19       | 13     | 23                     |     |          |    |
| Businesses   | 16     | 16      | 32    | 16         | VALUE OF DWELLING |        |          |        | DSS DWELLING AVAILABLE |     |          |    |
| Farms  | 0      | 0       | 0     | 0          | Owners            |        | Tenants  |        | For Sale               |     | For Rent |    |
| Non-Profit   | 9      | 0       | 9     | 5          | 0-20M             | 0      | \$ 0-150 | 0      | 0-20M                  | 0   | \$ 0-150 | 0  |
| <b>ANSWER ALL QUESTIONS</b><br>Yes    No <b>Explain all "YES" answers.</b><br>1. Will special relocation services be necessary?<br>2. Will schools or churches be affected by displacement?<br>3. Will business services still be available after project?<br>4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc.<br>5. Will relocation cause a housing shortage?<br>6. Source for available housing (list).<br>7. Will additional housing programs be needed?<br>8. Should Last Resort Housing be considered?<br>9. Are there large, disabled, elderly, etc. families?<br>10. Will public housing be needed for project?<br>11. Is public housing available?<br>12. Is it felt there will be adequate DSS housing available during relocation period?<br>13. Will there be a problem of housing within financial means?<br>14. Are suitable business sites available (list source).<br>15. Number months estimated to complete RELOCATION? <b>30</b> |        |         |       |            | 20-40M            | 0      | 150-250  | 5      | 20-40M                 | 2   | 150-250  | 0  |
|  |        |         |       |            | 40-70M            | 12     | 250-400  | 17     | 40-70M                 | 7   | 250-400  | 0  |
|  |        |         |       |            | 70-100M           | 13     | 400-600  | 1      | 70-100M                | 27  | 400-600  | 1  |
|  |        |         |       |            | 100 UP            | 27     | 600 UP   | 0      | 100 UP                 | 402 | 600 UP   | 23 |
|  |        |         |       |            | TOTAL             | 52     |          | 23     |                        | 438 |          | 24 |
| <b>REMARKS (Respond by number)</b><br>2. SEE ATTACHED SHEET FOR DISPLACED NON-PROFITS<br>3. Business Services will remain in the area.<br>4. SEE ATTACHED SHEET FOR LIST OF DISPLACED BUSINESSES<br>6. & 14. Realtor.com, MLS, newspaper, local ads<br>8. As mandated by Law<br>11. New Hanover and Pender County<br>12. Plenty of houses listed on Realtor.com alone.   |        |         |       |            |                   |        |          |        |                        |     |          |    |

**\*\*PLEASE NOTE: A Cell Tower will be isolated by this alternate, as well as the Utility Water Tanks for Belvedere Plantation subdivision. The water tanks service the entire subdivision.**

|   |                         |  |   |                         |
|---|-------------------------|--|---|-------------------------|
| <br>_____<br>Right of Way Agent | 6/2/11<br>_____<br>Date |  | <br>_____<br>Relocation Coordinator | 6/2/11<br>_____<br>Date |
|---|-------------------------|--|---|-------------------------|

FRM15-E Revised 09-02

Original & 1 Copy: Relocation Coordinator  
2 Copy Division Relocation File

### **Displaced Non-Profits (9 Total)**

- 1) St. Stephen AMG Zion Church
- 2) Wesley Chapel United Methodist Church including 395+/- graves
- 3) Creative Minds Pre-School
- 4) Scotts Hill Baptist Church and Administrative Office
- 5) 1<sup>st</sup> Baptist Church
- 6) "Old" Scotts Hill AMG Zion Church
- 7) St. John the Apostle Catholic Church
- 8) Angel Food Ministries
- 9) Topsail Baptist Church

**Please note that in addition to the graves shown above, the McClammy and King Family Cemetary containing 17+/- graves, as well as the Pollock's Cemetary containing 235+/- graves will have to be relocated due to this alternate, for a total of 647+/- graves.**

### **Displaced Businesses (32 Total)**

- 1) A. Gil Pettit, DDS
- 2) Stone Development and Restoration
- 3) Martin Self Storage – Storage Units
- 4) Eden's Produce Stand (Seasonal)
- 5) Fred's Beds
- 6) City Electric Supply
- 7) Humphrey Heating and Air
- 8) Carolina Financial Solutions
- 9) Scotts Hill Pet Resort
- 10) Dr. Christina Baram Gray, Chiropractor
- 11) [www.ScottsHill.org](http://www.ScottsHill.org) Computer Office
- 12) Black Dog Fence Co.
- 13) Port City Doors and Windows
- 14) Atlantic Surgi-Center
- 15) Sullivan Design Co.
- 16) Chas F. Riggs and Assoc. Inc.
- 17) Scotts Hill Grille
- 18) Poplar Grove Historic Plantation
- 19) Tasteful Creations
- 20) Elite Pure Spa and Boutique
- 21) HELP (Healing, Encouraging, Loving, People)
- 22) The Good Samaritan House Thrift Store
- 23) Cottage Crafts (inside historic Browntown School / Scotts Hill Rosenwald School)
- 24) New Business under construction
- 25) Small Businees (name unknown)
- 26) Kid's Korner Daycare
- 27) Images Salon and Spa
- 28) Last Resort Properties, LLC
- 29) Coastal Mini Storage (630+/- units)
- 30) Cypress Pond Nursery



- 31) Pender County Offices – 10 Different Departments
- 32) Small Auto and Boat Sales business

**\*\*PLEASE NOTE: A Cell Tower will be isolated by this alternate, as well as the Utility Water Tanks for Belvedere Plantation subdivision. The water tanks service the entire subdivision.**

**UPDATED RELOCATION REPORTS FOR  
PREFERRED ALTERNATIVE  
(ALTERNATIVE M1 + E-H)**



# EIS RELOCATION REPORT

**North Carolina Department of Transportation  
RELOCATION ASSISTANCE PROGRAM**

☒ E.I.S.      ☐ CORRIDOR      ☐ DESIGN

|                         |   |        |             |           |    |    |           |
|-------------------------|---|--------|-------------|-----------|----|----|-----------|
| WBS ELEMENT:            | 40191.1.2   | COUNTY | New Hanover | Alternate | M1 | of | Alternate |
| T.I.P. No.:             | U-4751  |        |             |           |    |    |           |
| DESCRIPTION OF PROJECT: | Proposed SR 1409 (Military Cutoff Road) Extension |        |             |           |    |    |           |

| ESTIMATED DISPLACED |           |          |          |                        | INCOME LEVEL   |          |           |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
|---------------------|-----------|----------|----------|------------------------|--|----------|-----------|--------|-------|-------------------|--|--|--|------------------------|--|--|--|--------|--|---------|--|----------|--|----------|--|-------|---|----------|---|-------|---|----------|---|--------|---|---------|---|--------|---|---------|---|--------|---|---------|---|--------|---|---------|---|---------|---|---------|---|---------|----|---------|---|--------|----|--------|---|--------|-----|--------|----|--------------|-----------|--|----------|--|------------|--|-----------|
| Type of Displacees  | Owners    | Tenants  | Total    | Minorities             | 0-15M  | 15-25M   | 25-35M    | 35-50M | 50 UP |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| Residential         | 20        | 1        | 21       | 1                      | 0  | 0        | 2         | 2      | 17    |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| Businesses          | 8         | 7        | 15       | 0                      | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4">VALUE OF DWELLING</th> <th colspan="4">DSS DWELLING AVAILABLE</th> </tr> <tr> <th colspan="2">Owners</th> <th colspan="2">Tenants</th> <th colspan="2">For Sale</th> <th colspan="2">For Rent</th> </tr> <tr> <td>0-20M</td> <td>0</td> <td>\$ 0-150</td> <td>0</td> <td>0-20M</td> <td>0</td> <td>\$ 0-150</td> <td>0</td> </tr> <tr> <td>20-40M</td> <td>0</td> <td>150-250</td> <td>0</td> <td>20-40M</td> <td>0</td> <td>150-250</td> <td>0</td> </tr> <tr> <td>40-70M</td> <td>2</td> <td>250-400</td> <td>0</td> <td>40-70M</td> <td>9</td> <td>250-400</td> <td>0</td> </tr> <tr> <td>70-100M</td> <td>1</td> <td>400-600</td> <td>0</td> <td>70-100M</td> <td>34</td> <td>400-600</td> <td>0</td> </tr> <tr> <td>100 UP</td> <td>17</td> <td>600 UP</td> <td>1</td> <td>100 UP</td> <td>491</td> <td>600 UP</td> <td>34</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>20</b></td> <td></td> <td><b>1</b></td> <td></td> <td><b>534</b></td> <td></td> <td><b>34</b></td> </tr> </table> |          |           |        |       | VALUE OF DWELLING |  |  |  | DSS DWELLING AVAILABLE |  |  |  | Owners |  | Tenants |  | For Sale |  | For Rent |  | 0-20M | 0 | \$ 0-150 | 0 | 0-20M | 0 | \$ 0-150 | 0 | 20-40M | 0 | 150-250 | 0 | 20-40M | 0 | 150-250 | 0 | 40-70M | 2 | 250-400 | 0 | 40-70M | 9 | 250-400 | 0 | 70-100M | 1 | 400-600 | 0 | 70-100M | 34 | 400-600 | 0 | 100 UP | 17 | 600 UP | 1 | 100 UP | 491 | 600 UP | 34 | <b>TOTAL</b> | <b>20</b> |  | <b>1</b> |  | <b>534</b> |  | <b>34</b> |
| VALUE OF DWELLING   |           |          |          | DSS DWELLING AVAILABLE |  |          |           |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| Owners              |           | Tenants  |          | For Sale               |  | For Rent |           |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| 0-20M               | 0         | \$ 0-150 | 0        | 0-20M                  | 0  | \$ 0-150 | 0         |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| 20-40M              | 0         | 150-250  | 0        | 20-40M                 | 0  | 150-250  | 0         |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| 40-70M              | 2         | 250-400  | 0        | 40-70M                 | 9  | 250-400  | 0         |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| 70-100M             | 1         | 400-600  | 0        | 70-100M                | 34   | 400-600  | 0         |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| 100 UP              | 17        | 600 UP   | 1        | 100 UP                 | 491  | 600 UP   | 34        |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| <b>TOTAL</b>        | <b>20</b> |          | <b>1</b> |                        | <b>534</b>   |          | <b>34</b> |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| Farms               | 0         | 0        | 0        | 0                      |  |          |           |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |
| Non-Profit          | 1         | 0        | 1        | 1                      |  |          |           |        |       |                   |  |  |  |                        |  |  |  |        |  |         |  |          |  |          |  |       |   |          |   |       |   |          |   |        |   |         |   |        |   |         |   |        |   |         |   |        |   |         |   |         |   |         |   |         |    |         |   |        |    |        |   |        |     |        |    |              |           |  |          |  |            |  |           |

| ANSWER ALL QUESTIONS |     |  |
|----------------------|-----|--|
| Yes                  | No  | Explain all "YES" answers.   |
|                      | X   | 1. Will special relocation services be necessary?  |
|                      | X   | 2. Will schools or churches be affected by displacement?   |
| X                    |     | 3. Will business services still be available after project?  |
| X                    |     | 4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc. |
|                      | X   | 5. Will relocation cause a housing shortage?   |
|                      |     | 6. Source for available housing (list). Multiple listing Service, local survey, Internet searches.             |
|                      | X   | 7. Will additional housing programs be needed?   |
| X                    |     | 8. Should Last Resort Housing be considered?   |
|                      | X   | 9. Are there large, disabled, elderly, etc. families?  |
|                      | X   | 10. Will public housing be needed for project?   |
| X                    |     | 11. Is public housing available?   |
| X                    |     | 12. Is it felt there will be adequate DSS housing housing available during relocation period?                  |
|                      | X * | 13. Will there be a problem of housing within financial means?   |
| X                    |     | 14. Are suitable business sites available (list source).   |
|                      |     | 15. Number months estimated to complete RELOCATION? <b>18 to 24 Months</b>                                     |

2) Mt. Ararat AME Zion Cemetery. See note at Bottom \*

3) Business Services will remain available as much of the project area is commercial/industrial

4) Please see attached spreadsheet for business relocatees

8) Last Resort Housing should be a consideration. Where warranted, Last Resort housing will be applied in accordance with the Uniform Relocation Act.

11) Public housing is available through local agencies.

12) Based on the availability of DSS housing available on the market, it is not felt there will be a shortage of DSS housing

\* Any deficiency in housing not within financial means will be addressed within the guidelines of the Last Resort Housing Section of the Uniform Act.

14) Based on local survey and current real estate listings suitable business sites will be available.

PLEASE NOTE: Mr. Store-It Mini Storage contains 642 Units Each storage unit constitutes an individual **miscellaneous** move relocatee.

These numbers are NOT included in the total displacee count but they are noted here as this is a substantial number. Although they are neither residential or business relocatees, they

will require individual contacts and moving payments.

Individual graves within Mount Ararat Church Cemetery located along Market Street will be affected both north of and south of the intersection with Ogden Park Drive.

|   |      |   |   |                 |
|---|------|---|---|-----------------|
| Russell J. Hawke, III<br>Right of Way Agent | Date | <i>Revised as of 6/24/14</i><br>4/10/14 | <br>Bradley D. Bowers<br>Relocation Coordinator | 4/10/14<br>Date |
|---|------|---|---|-----------------|

[illegible]



# EIS RELOCATION REPORT

**North Carolina Department of Transportation  
RELOCATION ASSISTANCE PROGRAM**

☒ E.I.S.      ☐ CORRIDOR      ☐ DESIGN

|                         |           |                                 |                    |           |       |           |
|-------------------------|-----------|---------------------------------|--------------------|-----------|-------|-----------|
| WBS ELEMENT:            | 40191.1.2 | COUNTY                          | New Hanover/Pender | Alternate | EH of | Alternate |
| T.I.P. No.:             | R-3300    |                                 |                    |           |       |           |
| DESCRIPTION OF PROJECT: |           | Proposed US 17 Hampstead Bypass |                    |           |       |           |

| ESTIMATED DISPLACEES |        |         |       |            | INCOME LEVEL |        |        |        |       |
|----------------------|--------|---------|-------|------------|--------------|--------|--------|--------|-------|
| Type of Displacees   | Owners | Tenants | Total | Minorities | 0-15M        | 15-25M | 25-35M | 35-50M | 50 UP |
| Residential          | 34     | 5       | 39    | 2          | 0            | 3      | 8      | 010    | 18    |
| Businesses           | 11     | 13      | 24    | 0          |              |        |        |        |       |
| Farms                | 1      | 0       | 1     | 0          |              |        |        |        |       |
| Non-Profit           | 0      | 1       | 1     | 0          |              |        |        |        |       |

| ANSWER ALL QUESTIONS |     |  |  |  |  |  |  |  |  |
|----------------------|-----|--|--|--|--|--|--|--|--|
| Yes                  | No  | Explain all "YES" answers.   |  |  |  |  |  |  |  |
|                      | X   | 1. Will special relocation services be necessary?  |  |  |  |  |  |  |  |
| X                    |     | 2. Will schools or churches be affected by displacement?   |  |  |  |  |  |  |  |
| X                    |     | 3. Will business services still be available after project?  |  |  |  |  |  |  |  |
| X                    |     | 4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc. |  |  |  |  |  |  |  |
|                      | X   | 5. Will relocation cause a housing shortage?   |  |  |  |  |  |  |  |
|                      |     | 6. Source for available housing (list). Multiple listing Service, local survey, Internet searches.             |  |  |  |  |  |  |  |
|                      | X   | 7. Will additional housing programs be needed?   |  |  |  |  |  |  |  |
| X                    |     | 8. Should Last Resort Housing be considered?   |  |  |  |  |  |  |  |
|                      | X   | 9. Are there large, disabled, elderly, etc. families?  |  |  |  |  |  |  |  |
|                      | X   | 10. Will public housing be needed for project?   |  |  |  |  |  |  |  |
| X                    |     | 11. Is public housing available?   |  |  |  |  |  |  |  |
| X                    |     | 12. Is it felt there will be adequate DSS housing housing available during relocation period?                  |  |  |  |  |  |  |  |
|                      | X * | 13. Will there be a problem of housing within financial means?   |  |  |  |  |  |  |  |
| X                    |     | 14. Are suitable business sites available (list source).   |  |  |  |  |  |  |  |
|                      |     | 15. Number months estimated to complete RELOCATION? <b>18 to 24 Months</b>                                     |  |  |  |  |  |  |  |

| VALUE OF DWELLING |           |          |          | DSS DWELLING AVAILABLE |            |          |           |
|-------------------|-----------|----------|----------|------------------------|------------|----------|-----------|
| Owners            |           | Tenants  |          | For Sale               |            | For Rent |           |
| 0-20M             | 0         | \$ 0-150 | 0        | 0-20M                  | 0          | \$ 0-150 | 0         |
| 20-40M            | 0         | 150-250  | 0        | 20-40M                 | 0          | 150-250  | 0         |
| 40-70M            | 9         | 250-400  | 0        | 40-70M                 | 9          | 250-400  | 0         |
| 70-100M           | 3         | 400-600  | 0        | 70-100M                | 34         | 400-600  | 0         |
| 100 UP            | 22        | 600 UP   | 5        | 100 UP                 | 491        | 600 UP   | 34        |
| <b>TOTAL</b>      | <b>34</b> |          | <b>5</b> |                        | <b>534</b> |          | <b>34</b> |

**REMARKS (Respond by Number)**

2) Peoples Baptist Church in proposed R/W

3) Business Services will remain available as much of the project area is commercial/industrial

4) Please see attached spreadsheet for business relocatees

8) Last Resort Housing should be a consideration. Where warranted, Last Resort housing will be applied in accordance with the Uniform Relocation Act.

11) Public housing is available through local agencies.

12) Based on the availability of DSS housing available on the market, it is not felt there will be a shortage of DSS housing

\* Any deficiency in housing not within financial means will be addressed within the guidelines of the Last Resort Housing Section of the Uniform Act.

14) Based on local survey and current real estate listings suitable business sites will be available.

PLEASE NOTE: Carolina Storage and Coastal Mini Storage contain 7 and 412 respectively (total 419) storage units. Each storage unit constitutes an individual **miscellaneous** move relocatee. These numbers are NOT included in the total displacee count, but they are noted here as this is a substantial number. Although they are neither residential or business

relocatees, they will require individual contacts and moving payments.

NOTE: 0 billboards considered Business Tenants are included in this count.

|   |   |   |  |
|---|---|---|--|
| <p><b>37</b></p> <p>Russell J. Hawke, III</p> <p style="text-align: center;">Right of Way Agent</p> | <p><i>Revised as of 6/24/14</i></p> <p style="text-align: center;">Date</p> | <p><i>7/1/14</i></p> <p>Bradley D. Bowers</p> <p style="text-align: center;">Relocation Coordinator</p> | <p style="text-align: right;">Date</p> |
|---|---|---|--|

| NO. | T | O | NAME  | EMPLOYEES | P | TYPE  | M |
|-----|---|---|---|-----------|---|---|---|
|     | X |   | Peoples Baptist Church                      | 1         | 1 | Church  |   |
|     | X |   | Sunflower Vet Clinic                        | 3         | 1 | Veterinarian                                    |   |
| # # | X |   | Tri County Electric                         | 3         | 1 | Electric Supply/Electricians                    |   |
| # # | X |   | Pender EMS                                  | 3         | 1 | EMS services                                    |   |
| # # | X |   | Fairway Billboard (Counted as bus. tenant.) | 0         | 0 | Outdoor Advertising (On same parcel as above)   |   |
|     |   |   | D&D Glass                                   | 2         | 1 | Glass Sales/Service                             |   |
| # # | X |   | Carolina Storage                            | 1         | 1 | Self Storage (7 Units)                          |   |
| # # | X |   | Noelle Enterprises                          | 15        | 2 | Distribution center                             |   |
| # # | X |   | Atlantic Tool and Die                       | 5         | 1 | Tool and Die                                    |   |
|     | X |   | Hampstead Taxi                              | 5         | 2 | Taxi Service                                    |   |
|     | X |   | Premier Electrical                          | 2         | 0 | Electrical service                              |   |
|     | X |   | Fairway Billboard                           | 0         | 0 | Outdoor Advertising                             |   |
|     | X |   | Kids Corner Learning Center                 | 7         | 2 | Childcare                                       |   |
|     | X |   | Classic and Casual Furniture                | 4         | 3 | Furniture Sales (Following 2 are same location) |   |
|     | X |   | Hometown Vintage Furniture                  |           |   | Same as above                                   |   |
|     | X |   | Mattress                                    |           |   | Same as above *                                 |   |
|     | X |   | Vaporiz It                                  | 2         | 1 | Cigarette Sales                                 |   |
|     | X |   | Hampstead Nail Envy                         | 3         | 1 | Nail Salon                                      |   |
|     | X |   | Sawmill Grill                               | 15        | 2 | Restaurant                                      |   |
| # # | X |   | Images Salon and Spa                        | 4         | 1 | Salon/Spa                                       |   |
|     | X |   | Waste Industries                            | 2         | 1 | Recycling and waste collection center           |   |
|     | X |   | Calson Yachts                               | 3         | 1 | yacht builder                                   |   |
|     | X |   | Coastal Mini Storage                        | 1         | 2 | Mini Storage (Site contains 412 Units)          |   |
|     | X |   | Lamar Billboard (Counted as bus. tenant)    | 0         | 0 | Outdoor Advertising                             |   |
|     | X |   | Carol Sue Farms (Considered a Farm)         | 2         | 2 | Blueberry Strawberry Farms                      |   |
|     | X |   | Cypress Pond Nursery                        | 3         | 2 | Nursery   |   |
|     |   |   |   |           |   |   |   |
|     |   |   |   |           |   |   |   |

O=Owner

**F= FullTime**

**P=Part Time**

# M = Minority

## **APPENDIX F**

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